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ORGANIZATION OF THE WORK OF THE SESSION

The situation of human rights in the Republic of Chechnya of the Russian Federation

Report of the Secretary-General

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GE.97-11166 (E)

Introduction

1. At the fifty-second session of the Commission on Human Rights, the Chairman read out a statement indicating the Commission's consensus agreement in connection with the situation of human rights in the Republic of Chechnya of the Russian Federation (see E/1996/23-E/CN.4/1996/77, para. 371) and recalled its Chairman's statement of 1995 on the same subject (see E/1995/23-E/CN.4/1995/176, para. 594). In the statement at its fifty-second session, the Commission expressed its deep concern that the disproportionate use of force by the Russian Federation armed forces was continuing to lead to grave violations of human rights, as well as of international humanitarian law.

2. The Commission strongly deplored the high number of victims and the suffering inflicted on the civilian population and on displaced persons, and the serious destruction of installations and infrastructure used by civilians. It called for all those who had committed violations of human rights and other crimes to be brought to justice. The Commission called urgently for an immediate cessation of the hostilities and of violations of human rights and for immediate contacts between representatives of the parties with the aim of achieving a peaceful solution to the conflict, consistent with respect for the territorial integrity and the Constitution of the Russian Federation, and reiterated that the fundamental human rights of the people of the Republic of Chechnya should be upheld. It further called for the unhindered delivery of humanitarian aid to all groups of the civilian population in need.

3. The Commission requested the Secretary-General to report on the situation of human rights in the Republic of Chechnya at its fifty-third session under the appropriate agenda item. The present report has been prepared in compliance with that request on the basis of information: (a) submitted by the Government of the Russian Federation; (b) available under United Nations human rights mechanisms and procedures; and (c) received from United Nations bodies and programmes, and from intergovernmental and non-governmental organizations.

4. It should be recalled that the hostilities in the Republic of Chechnya of the Russian Federation broke out in December 1994. This led to a rapid outflow of displaced persons - the vast majority women and children - from Chechnya to neighbouring republics and territories, as well as to other parts of Russia. The Government of the Russian Federation requested United Nations humanitarian assistance for internally displaced persons located in the three republics where there was the greatest concentration of such persons, namely Ingushetia, North Ossetia and Daghestan.

5. In mid-1995, negotiations conducted under the auspices of the Organization for Security and Cooperation in Europe (OSCE) began between the Russian Federation and a Chechen delegation, with the goal of reaching both a military and a political agreement. On 30 July 1995, a military agreement was signed but, in the absence of a political agreement, the ceasefire which was envisaged did not take hold. Nevertheless, a significant number of internally displaced persons gradually returned to their homes.

6. On 22 August 1996, a ceasefire agreement was signed. It was followed on 31 August by the signing by federal and separatist negotiators of a statement of principles, which became known as the Khasavyurt Agreement. In accordance with this document, federal forces would be withdrawn from Chechnya and further discussions on how Chechnya was to be administered would be held, while a decision on Chechnya's political status was to be delayed for five years until 31 December 2001. By the end of November 1996, most federal troops had been withdrawn from Chechnya and a joint federal-Chechen commission had been set up. Presidential and legislative elections were held for the Republic of Chechnya on 27 January 1997. Aslan Maskhadov, Prime Minister of the Chechen provisional Government and former chief of staff of Chechen insurgent forces, won the presidential election with 68.9 per cent of the vote. In the legislative elections only a few candidates received more than the required 50 per cent of the vote in their district. A second round of legislative elections was held on 15 February for the remaining electoral districts. Owing to an insufficient turn-out of voters in the second round, a third round of parliamentary elections will be held two months after the second round. On the basis of monitoring by some 100 foreign observers of the first round of the elections, OSCE declared them to have been free and fair, with only minor procedural problems.

I. UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

7. Since 1995, the High Commissioner for Human Rights has carried out a number of consultations with the Russian authorities on the human rights situation in Chechnya and has maintained contacts with United Nations agencies, intergovernmental organizations, in particular OSCE, and non-governmental organizations concerned with a view to contributing to the promotion and protection of human rights in Chechnya.

8. In February 1997, the High Commissioner and the Government of the Russian Federation agreed on a third visit of the High Commissioner's envoy to the Russian Federation to have consultations in Moscow with the Secretary of the Russian Security Council and in the region concerned. The High Commissioner's envoy previously visited the Russian Federation at the invitation of the Government from 20 to 30 May 1995 and from 28 to 30 March 1996.

II. THEMATIC MECHANISMS OF THE COMMISSION ON HUMAN RIGHTS

9. The reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions to the Commission at its present session contains information on his activities with regard to Chechnya (E/CN.4/1997/60/Add.1, paras. 402-419).

10. The reports of the Special Rapporteur on the question of torture to the Commission at its present session contain information on his activities with regard to Chechnya (E/CN.4/1997/7, paras. 170-171 and E/CN.4/1997/7/Add.1, paras. 417-426).

III. SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

11. On 21 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted a decision on the humanitarian situation in the Republic of Chechnya of the Russian Federation (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, decision 1996/107).

IV. HUMAN RIGHTS TREATY BODIES

12. During the period under review, the only human rights treaty body to consider a report of the Russian Federation was the Committee against Torture. It considered that report (CAT/C/17/Add.15) at its 264th, 265th and 268th meetings held on 12 and 14 November 1996 (see CAT/C/SR.264, 265 and 268).

13. In its concluding observations (see CAT/C/SR.268), the Committee expressed concern regarding widespread reported abuses of human rights in the conflict in Chechnya, including serious acts of torture, coupled with apparent failure to check them and address them speedily and effectively. The Committee recommended the establishment of an independent committee to investigate allegations of torture, inhuman and degrading treatment committed by the military forces of the Russian Federation and Chechen separatists with a view to bringing to justice those against whom there was evidence tending to establish their involvement or complicity in such acts.

V. OTHER ORGANIZATIONS

14. On 27 December 1994, the Government of the Russian Federation, through its Federal Migration Service, requested humanitarian assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) for persons displaced from Chechnya. The displaced persons are located principally in the three neighbouring Republics of Daghestan, Ingushetia and North Ossetia, as well as in Chechnya itself. The Government also requested assistance from the International Organization for Migration (IOM) and from the International Committee of the Red Cross (ICRC), which were already present in the region and which were focusing attention initially on displaced persons within Chechnya.

A. Organization for Security and Cooperation in Europe

15. On 15 December 1996, in response to a request from the Secretary-General, OSCE provided the following information in connection with their activities in Chechnya, reproduced in extenso below.

> "Human rights in Chechnya following the cessation of hostilities in August 1996
>
> "1. The Human rights situation in Chechnya changed after August 1996 becoming substantially different from that under conditions of war since the end of 1994. The armed conflict, which severely affected the population of the Republic - Chechen- and Russian-speaking alike - has ceased. The peace process and the resulting political arrangements have

steadily solidified since the August cease-fire and subsequent withdrawal of federal troops. On 23 November, President Yeltsin issued a decree ordering the withdrawal of the final federal units from Chechnya. There are grounds to hope for a democratic process in view of the presidential and parliamentary elections to be held on 27 January 1997. With the de facto absence of federal authority, after August 1996, the principal practical responsibility for the protection of human rights is in the hands of the Government of the Chechen Republic.

"2. In the new environment, it appeared that the human rights situation stabilized relatively, and in some respects improved over the conditions before or after December 1994 (beginning of the war):

Since the end of August 1996, there has gradually been an abolition of checkpoints (block posts), and there is freedom of movement in the Republic, in stark contrast to what existed before.

With the major exception of continuing detention of Chechens arbitrarily taken during the war, human rights violations by the Russian Federation presumably ceased. (There are limited unconfirmed reports of "provocations" including attacks on civilians, by persons allegedly linked to the federal security services. These have allegedly resulted in disappearances and killings.)

Although crime affects specifically the Russian speaking population, the Assistance Group (AG) is unaware of any official policy of the Chechen authorities or measures of discrimination against minorities.

No reports have been received that torture was being used systematically against political opponents or other people arrested by the official services, nor about people persecuted for their views.

"3. The main current human rights problems are - at least in part - a consequence of the war:

In the initial days after the August fighting, there were a variety of unconfirmed reports of isolated revenge killings, or that former Zavgaev regime officials or personnel had been arrested and some allegedly executed. There were continuing additional reports of arbitrary detentions, including by the Chechen Security Service.

In part due to the numerous unemployed former fighters and the weakness of the law enforcement/judicial structures, Chechnya is experiencing an extremely serious crime wave, especially occupation of dwellings and kidnappings. Many people simply have disappeared. In general, kidnapping, like other crimes, has reached crisis proportions. Most of the kidnappings have

political purposes cannot be excluded. This particularly affects the non-Chechen population, not protected by traditional family or clan ties.

There are still wartime detainees on both sides, and a much larger number of missing persons. The ceasefire and initial peace process agreements called for the exchange of prisoners all against all, a principle rhetorically accepted by both sides. In fact, many prisoners held by the Chechens have been released in the past month, but there have not been commensurate releases on the federal side.

The presence in the Republic of a large, but undetermined quantity of mines and other unexploded ordnance. The vast preponderance of these devices were deployed by federal forces."

B. International Committee of the Red Cross

16. Since the beginning of the conflict, ICRC, alone and in cooperation with the local committees of the Russian Red Cross Society, operated both inside and outside of Chechnya. Its activities of protection of and assistance to the civilian population included: visiting detainees; search missions to reunite families split up by the fighting; medical assistance; supply of drinking water to prevent outbreaks of epidemics; promotion of respect for humanitarian rules and cooperation; and support of local Red Cross agencies.

17. Tragically, on 17 December 1996 at 4 a.m. local time, six ICRC expatriate delegates were shot dead by unidentified gunmen at their quarters at the ICRC hospital in Novye Atagi, near Grozny. Five of the murdered delegates had been seconded to ICRC by the national Red Cross societies of Canada, the Netherlands, Norway and New Zealand. The sixth, a Spanish nurse, was under contract to ICRC. Another delegate, a Swiss national, had gunshot wounds.

18. Pending an improvement in security conditions and information on the motives for the attack, and also to give itself time to plan its future approach in the region, ICRC has suspended part of its operation, though a number of activities are continuing.

19. Prior to the attack, ICRC had resumed visits to some 30 detainees; transmitted more than 18,000 messages to enable separated families to stay in touch; provided assistance to over 20 health centres treating the war wounded; refurbished and re-equipped two key hospitals in Grozny; was the sole provider of drinking water for the city; carried out sanitation work for villages and schools and for 30 collective centres for displaced persons in Daghestan; launched a major waste evacuation operation to get the sewage system in Grozny working again; provided food parcels, wheat flour, blankets and plastic sheeting to more than 50,000 vulnerable people; prepared 7,000 cooked meals a day in 17 public kitchens; provided essential school equipment to 100,000 children in the region, helped to rebuild or repair schools; distributed some 30,000 sets of children's winter clothing; and provided support to five local communities of the Russian Red Cross in the northern Caucasus in carrying out social programmes for vulnerable groups.

communities of the Russian Red Cross in the northern Caucasus in carrying out social programmes for vulnerable groups.

20. After 17 December 1997, all programmes requiring the presence of expatriates have been suspended in the region. Several limited programmes continue. These are supported by ICRC and can be carried out by the local Red Cross or the Ministry of Health. They include: sustaining efforts to gain access to detainees still held by the federal authorities in connection with the conflict in places of detention outside of the Republic of Chechnya; continuing re-equipment of hospitals and medical facilities under the responsibility of the Ministry of Health; operating the pumping station for the chief source of safe drinking water for the city of Grozny; support for 17 public kitchens for vulnerable populations; support for local Russian Red Cross communities; dissemination on international humanitarian law for the federal armed forces stationed in the region and training of locally recruited staff to resume dissemination activities in the Republic of Chechnya as soon as the situation permits.

VI. THE GOVERNMENT OF THE RUSSIAN FEDERATION

21. In response to a request by the Secretary-General, the Government of the Russian Federation transmitted information and its views in connection with the statement of the Chairman of the fifty-second session of the Commission on Human Rights on the situation of human rights in the Republic of Chechnya of the Russian Federation. The contents are summarized below. The full document is available for consultation in the Secretariat.

22. The Government outlined the measures taken in 1996 to resolve the crisis in the Chechen Republic. These included a number of presidential decrees and the signing of agreements for the peaceful settlement of the fighting in the Chechen Republic. Notably, on 23 November 1997, President Yeltsin signed the "Decree on measures for ensuring the further peaceful settlement in the Chechen Republic", and the "Agreement on principles of cooperation of the sides until the election of the president and parliament of the Chechen Republic". The Government stated that the measures taken were evidence of its firm position to resolve the situation in the Chechen Republic by peaceful means and in accordance with the Constitution of the Russian Federation.

23. The Government expressed its concern about problems of criminality in the Chechen Republic which were spilling over into the surrounding region. It provided a brief listing of cases of hostages taken for ransom, threats, physical attacks and killings. The victims included local citizens, officials, visiting national and foreign journalists and humanitarian workers in the region, such as the ICRC hospital workers who were murdered.

24. The Government provided data of the Federal Migration Service of the Russian Federation showing that the flow of people from the Chechen Republic had not ceased following the withdrawal of Russian troops. The Government saw this as a result of increased criminal activity.

25. The Government stated that it had made use of every possible opportunity to ensure protection of the rights of citizens participating in the elections

26. In the framework of strengthening the peaceful regulation of the crisis in the Chechen Republic of the Russian Federation, the Government of the Russian Federation stated that it had cooperated with OSCE in the Chechen Republic.

27. In connection with the events in the Chechen Republic, the Government further stated in the information submitted to the Secretary-General that it was continuing to cooperate with the special mechanisms of the Commission on Human Rights. The Government of the Russian Federation considered that the measures carried out by the federal powers with the goal of the peaceful settlement of the crisis in the Chechen Republic of the Russian Federation were fully in accordance with the conditions of the Chairman's statement at the fifty-second session of the Commission on Human Rights on the situation of human rights in the Republic of Chechnya of the Russian Federation.

28. The Secretary-General thanks the Government for its communications and the constructive cooperation it has provided to the various United Nations mechanisms on human rights.

VII. NON-GOVERNMENTAL ORGANIZATIONS

29. A number of non-governmental organizations transmitted reports 1/ on the situation in the Republic of Chechnya of the Russian Federation to the Secretary-General. Such organizations based outside the Russian Federation, included Human Rights Watch/Helsinki, Amnesty International, Unrepresented Nations and Peoples Organization (UNPO), Committee to Protect Journalists, the Seimas of the Republic of Lithuania, and the International Group of Parliamentarians on the Problem of Chechnya. Information was also received from organizations based in the Russian Federation, these included the Memorial Society Human Rights Centre, the Congress of Political Parties and Movements of Chechnya, and the Human Rights Institute of Russia.

30. Information from non-governmental organizations changed significantly in nature after the ceasefire in late August 1996. Before the ceasefire, the allegations transmitted were similar to the allegations detailed in the Secretary-General's report of 1996 (E/CN.4/1996/13). Subsequent to the ceasefire and the withdrawal of federal troops, submissions from NGOs have focused on accountability for past abuses, the need for demining, and the general need for increased law enforcement and advisory services on legislative initiatives.

1/ Available for consultation in the Secretariat.

Annex

ACTION BY UNITED NATIONS HUMANITARIAN BODIES AND AGENCIES

A. Department of Humanitarian Affairs

1. The Department of Humanitarian Affairs (DHA) of the Secretariat, in close collaboration with other humanitarian organizations, carries out its task of facilitating interagency communication and coordination through its involvement in information-gathering, liaison with all humanitarian partners, as well as with the Government of the Russian Federation, the dissemination of appeals and situation reports and the establishment of various coordination mechanisms. The overall coordination in-country falls under the responsibility of the United Nations Resident Coordinator in Moscow, who is also the UNHCR Representative and DHA Coordinator.

2. The 1996 programme of emergency humanitarian assistance for persons displaced by the conflict in Chechnya consisted of support for the provision of shelter, water and sanitation, food and health services for the internally displaced persons (IDPs) located in Ingushetia, North Ossetia and Daghestan. The appeal for 1996 sought US$ 13.1 million and had elicited a generous donor response of 81 per cent, as of 30 October 1996.

3. The interagency mission, comprised of headquarters representatives from DHA, UNHCR, the World Food Programme, the United Nations Children's Programme, the World Health Organization, and IOM, visited the north Caucasus region from 22 to 28 October 1996. The mission noted that the situation in that region was extremely complex with a mix of IDP and refugee problems and concluded that a broad regional approach to humanitarian needs was required. Further, it noted that the relative stability in Chechnya following the ceasefire which had come into effect in late August 1996 was enabling the United Nations humanitarian programme to extend limited non-food assistance inside Chechnya.

4. Based on the findings of the mission, a two-pronged approach was recommended for 1997:

(i) Encouragement of the return of IDPs from Chechnya, through the provision of returnee packages and small-scale rehabilitation assistance in villages of origin. The assistance would be managed by United Nations offices in Ingushetia and Daghestan, and would not require the establishment of a United Nations office in Chechnya.

(ii) Support for the integration of those IDPs who will not return, located in Ingushetia, Daghestan, North Ossetia, Kabardino-Balkaria and Stavropol.

B. Office of the United Nations High Commissioner for Refugees

5. Following the signing of ceasefire and peace agreements on Chechnya in late August 1996, UNHCR began providing small-scale rehabilitation assistance to areas in Chechnya bordering Ingushetia and Daghestan. Small-scale

rehabilitation work of health clinics and schools, as well as the distribution of domestic items and food parcels from Saudi Arabia, began in September 1996.

6. The UNHCR intervention is designed to facilitate a phased return of some 75,000 IDPs from and within Chechnya to their former places of residence in Chechnya by improving the living conditions in war-affected areas of return through small-scale rehabilitation and restoration of essential social services and infrastructure.

C. World Food Programme

7. In 1996, WFP assisted more than 90,000 displaced persons in Ingushetia, North Ossetia and Daghestan with a comprehensive food basket of wheat flour, rice, edible oil and sugar. The target group of beneficiaries comprised IDPs from Chechnya and the Prigorodny district, as well as refugees from Georgia. In Ingushetia, the WFP food aid programme was interrupted in July owing to reservations by the local government against indiscriminate and unconditional food distributions to those IDPs who did not wish to return home. Approval was granted in late August and food distributions were immediately resumed.

8. WFP plans to assist the integration of Chechen IDPs in Daghestan and Ingushetia. Besides the provision of food aid packages aimed at facilitating integration, the possibility of food-for-work activities in conjunction with UNHCR shelter rehabilitation work will also be examined.

D. World Health Organization

9. Activities in 1996 were implemented by WHO Copenhagen with logistical support from UNHCR field offices in the region. The main activities carried out were support to the vaccination campaign, cholera control in Daghestan and prosthetic assistance to amputees in Ingushetia and North Ossetia.

10. WHO envisages future activities in the northern Caucasus region which are of primary importance, including projects aimed at the control of communicable diseases in the region, in particular vaccine preventable diseases, acute diarrhoeal diseases and tuberculosis, and mental health assistance.

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ORGANIZATION OF THE WORK OF THE SESSION

Report of the United Nations High Commissioner for Human Rights on Colombia

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GE.97-10285 (E)

Introduction

1. This report has been prepared pursuant to the statement made by the Chairman of the Commission on Human Rights at its fifty-second session on the situation of human rights in Colombia, in which the Commission requested the High Commissioner to report to it at its fifty-third session on the setting up of a human rights office in Colombia and on the activities carried out by it in implementing its mandate.

2. In accordance with the statement made by the Chairman on 23 April 1996, the High Commissioner has the honour to submit to the Commission this report on the intensive negotiations leading to the successful conclusion and signing, on 29 November 1996, of the Agreement on the establishment of an Office of the United Nations High Commissioner for Human Rights in Colombia.

I. STATEMENT BY THE CHAIRMAN OF THE COMMISSION ON HUMAN RIGHTS ON THE SITUATION IN COLOMBIA

3. It will be recalled that, at the 60th meeting of the Commission on Human Rights, held on 23 April 1996 in the course of its fifty-second session, the Chairman of the Commission made the following statement on the situation of human rights in Colombia:

> "The Commission on Human Rights is deeply concerned that the situation of endemic violence affecting many parts of the country and the confrontation between government and guerrilla groups have resulted in serious consequences for human rights in the country.
>
> "The Commission on Human Rights acknowledges the efforts carried out by the Government in the field of human rights and its willingness to cooperate with the special rapporteurs and working groups; welcomes the collaboration provided by the Government of Colombia to the United Nations High Commissioner for Human Rights during the visit he paid to the country last year; and notes the establishment of a follow-up commission in charge of analysing and promoting the fulfilment of recommendations of the United Nations thematic rapporteurs and working groups, as well as of other international and regional organizations.
>
> "The Commission on Human Rights is, however, deeply concerned about violations of the right to life, as extensively evidenced in the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions. Thousands of lives are lost every year as a result of various acts of violence, especially in the context of the armed conflict between the Government and the guerrillas, as well as by the action of paramilitary groups. Such conflict entails serious and continuous abuses and violations of humanitarian law by both State agents and guerrilla groups, the latter persisting in prohibited practices such as the taking of civilian hostages.

"The Commission on Human Rights acknowledges that the Government of Colombia has taken steps for the application of humanitarian standards in the conflict, inter alia by an agreement with the International Committee of the Red Cross to facilitate its humanitarian activities in the country.

"The Commission on Human Rights remains deeply preoccupied by the large number of cases of disappearances, as shown in the report of the Working Group on Enforced or Involuntary Disappearances. The application at the national level of the Declaration on the Protection of All Persons from Enforced Disappearance faces several obstacles, generating impunity.

"The Commission on Human Rights, while taking note of the intention manifested by the Government of Colombia to undertake efforts in order to enhance the rule of law, calls for the urgent adoption of more effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in accordance with article 3 of the Declaration.

"The Commission on Human Rights remains concerned about the alarming level of impunity, in particular concerning abuses by State agents that presently fall under the jurisdiction of military courts; it encourages the Government of Colombia to continue and conclude the process of reform of the military penal code in accordance with the recommendations made by the thematic rapporteur, in particular as far as the exclusion from the jurisdiction of military courts of crimes against humanity is concerned. It takes note of the establishment of a human rights unit in the Office of the National Prosecutor with competence to investigate and indict State agents, guerrillas and members of paramilitary groups responsible for violations of human rights or humanitarian law.

"The Commission on Human Rights is deeply concerned also about the persistence of the practice of torture. The report of the Special Rapporteur on the question of torture shows that the steps taken by the Government of Colombia have not resulted in a tangible improvement of the overall situation, and that the crime of torture is hardly punished. The information before the Committee against Torture indicates that the law in Colombia is not yet in accordance with several obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

"The Commission on Human Rights urges the Government of Colombia to continue strengthening ordinary justice versus special systems of justice, the misuse of which can lead to serious violations of human rights. The competence of the courts of regional jurisdiction should be limited, and should in no instance be applied to acts of legitimate political dissent and social protest. In no instance should defendants before regional courts be denied a fair trial.

"The Commission on Human Rights - while encouraging the work of the special commission set up by the Government of Colombia for the

follow-up and implementation of the recommendations of the thematic rapporteurs - considers that the implementation of such recommendations and those of working groups is still not sufficient and that the human rights situation has not improved significantly, and recalls the resolution adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in August 1995.

"The Commission on Human Rights requests the United Nations High Commissioner for Human Rights to proceed, upon the initiative of the Government of Colombia and the identification of adequate sources of financing, to establish at the earliest possible date a permanent office in Colombia with the mandate to assist the Colombian authorities in developing policies and programmes for the promotion and protection of human rights and to observe violations of human rights in the country, making analytical reports to the High Commissioner; it requests the High Commissioner to report to the Commission at its fifty-third session on the setting up of the office and on the activities carried out by it in implementing the above mandate."

II. NEGOTIATION AND CONCLUSION OF THE AGREEMENT ON THE ESTABLISHMENT OF AN OFFICE OF THE HIGH COMMISSIONER IN COLOMBIA

4. The process of negotiating the recently signed Agreement on the establishment of an Office of the High Commissioner in Colombia began almost two years ago, on 13 December 1994, when the High Commissioner met the President of the Republic in Santafé de Bogotá. On that occasion, the High Commissioner suggested that the President of the Republic might wish to consider the appointment of an expert, based in Colombia, who could provide the technical assistance needed, particularly in the areas of legislative reform and the administration of justice.

5. The President received this idea favourably and undertook to consider a more detailed proposal.

6. As a follow-up to his proposal, the High Commissioner sent an evaluation mission to visit Colombia from 21 August to 4 September 1995 in order to ascertain the country's needs and priorities regarding technical cooperation in the field of human rights.

7. One of the recommendations made by the evaluation mission in its report concerned the setting up of an office of the High Commissioner in Santafé de Bogotá to advise the Government and State institutions concerned with the protection of human rights (Public Prosecutor, Government Procurator, People's Advocate, courts) in order to strengthen their role in protecting human rights through the implementation of international instruments and relevant recommendations of United Nations human rights bodies.

8. The office would also facilitate access to United Nations protection mechanisms for all sectors of society affected by grave human rights violations. It would also set up machinery to enable the parties to a conflict to fully observe international humanitarian law, particularly in areas seriously affected by violence.

9. In March and April 1996, during the fifty-second session of the Commission on Human Rights, at the request of the Government, representatives of the High Commissioner held meetings with senior representatives of the Government of Colombia to work out a preliminary draft agreement on the establishment of an Office of the High Commissioner in Colombia.

10. Following the statement by the Chairman of the Commission on the situation of human rights in Colombia, representatives of the High Commissioner and the Government held further rounds of consultations which resulted in the adoption of a second preliminary draft agreement in August 1996.

11. The draft was the subject of extensive consultations between the Office of the High Commissioner and representatives of the Office of Legal Affairs and the Department of Political Affairs at United Nations Headquarters in New York.

12. Following these consultations, further negotiations were held with the representatives of the Government, culminating in the signing of the Agreement on the establishment of an Office of the United Nations High Commissioner for Human Rights in Colombia on 29 November 1996. The Agreement, which was signed in Geneva by the High Commissioner and the Minister for Foreign Affairs of Colombia, is accompanied by a letter, signed at the same time, concerning the selection of the premises for the High Commissioner's office in Colombia. The text of the Agreement is annexed to this report.

13. The High Commissioner is at present holding consultations on the appointment of a Director of the office in Colombia. Then, in consultation with the European Union and representatives of the International Commission of Jurists, work will begin on selecting five international staff whom the European Union has offered to finance. Local support staff will then be recruited and, in consultation with the Government, the most suitable premises in terms of neutrality, security and accessibility, will be selected.

14. The High Commissioner estimates that the office in Santafé de Bogotá will be open to the Colombian public by mid-March 1997.

Annex

Agreement on the establishment of an Office of the United Nations High Commissioner for Human Rights in Colombia

The Government of the Republic of Colombia, represented by the Minister for Foreign Affairs, Mrs. María Emma Mejía Vélez, and the United Nations, represented by the High Commissioner for Human Rights, Mr. Jose Ayala Lasso, in accordance with the obligation undertaken by States in ratifying the Charter of the United Nations, particularly those concerning the duty to promote universal respect for human rights and fundamental freedoms for all and the pledge contained in Article 56 to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55 of the Charter,

REAFFIRMING the purposes and principles of the Charter of the United Nations, in particular international cooperation in promoting and encouraging respect for human rights,

RECOGNIZING the importance of observance of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other international human rights instruments, as well as respect for international humanitarian law applicable to armed conflicts, and bearing in mind the complementarity between human rights and international humanitarian law in improving protection of the individual and respect for his dignity in situations of armed conflict,

CONSIDERING the invitation extended by the President of the Republic of Colombia to the United Nations High Commissioner for Human Rights (hereinafter: the High Commissioner) during their meeting in December 1994, and reiterated in a written communication dated 2 April 1996, to open an office of the High Commissioner in Colombia,

BEARING IN MIND the statement made by the Chairman of the United Nations Commission on Human Rights on 23 April 1996, at the Commission's fifty-second session, in which the Commission requests the High Commissioner to proceed, upon the initiative of the Government of Colombia and the identification of adequate sources of financing, to establish at the earliest possible date a permanent office in Colombia with the mandate to assist the Colombian authorities in developing policies and programmes for the promotion and protection of human rights and to observe violations of human rights in the country, making analytical reports to the High Commissioner; the Commission also requests the High Commissioner to report to it at its fifty-third session on the setting up of the office and on the activities carried out by it in implementing its mandate,

WHEREAS the establishment of the office is based on the mandate vested in the High Commissioner by the General Assembly of the United Nations in its resolution 48/141 of 20 December 1993,

BEARING IN MIND the entry into force for Colombia of Additional Protocol II to the Geneva Conventions of 1949 and the conclusion in 1996 of the agreement between the Government of Colombia and the International Committee of the Red Cross (ICRC) setting out the parameters enabling ICRC to continue its humanitarian task and facilitating its work regarding the promotion, dissemination, implementation and observance of international humanitarian law,

WHEREAS the office which is the subject of this Agreement affords important opportunities for the promotion and protection of the life, integrity, freedom and other fundamental rights of the individual in the climate of violence and internal armed conflict prevailing in Colombia,

HAVE AGREED AS FOLLOWS:

I. DEFINITIONS

1. For the purposes of this Agreement:

(a) "The Office of the High Commissioner" (hereinafter: the Office) means the Office opened in Santafé de Bogotá by the High Commissioner, following the request made to him by the Commission on Human Rights and the initiative of the Government of Colombia;

(b) "Premises" means the physical premises of the Office in Santafé de Bogotá and other locations used by the Office to conduct its activities in accordance with the provisions of this Agreement;

(c) "The Government" means the Government of the Republic of Colombia; for the purposes of this Agreement, the Government is understood to represent the Colombian State;

(d) "The Convention" means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946;

(e) "The parties" means the United Nations and the Government of the Republic of Colombia;

(f) "The Director of the Office" means the United Nations official responsible for conducting and overseeing, on behalf of and under the authority of the High Commissioner, the activities of the Office, including the necessary logistical and administrative arrangements, and for ensuring coordination of the activities of the Office with the Government and the representatives of the competent international agencies present in Colombia;

(g) "Officials of the United Nations" means the staff members of the United Nations employed under the Staff Regulations and Rules of the United Nations, with the exception of persons who are recruited locally and paid hourly rates, as provided for in United Nations General Assembly resolution 76 (1) of 7 December 1946;

(h) "Experts on mission" means individuals other than officials of the United Nations coming within the scope of article VI of the Convention;

(i) "Staff of the Office" means officials of the United Nations and experts on mission assigned to the Office;

(j) "Local Office staff" means persons recruited locally and paid hourly rates.

II. PURPOSE AND GEOGRAPHICAL SCOPE OF THE AGREEMENT

2. The purpose of this Agreement is to establish the Office of the High Commissioner in Colombia and to define the aims, criteria, functions and status of the Office and its staff.

3. Unless stipulated otherwise, the provisions of this Agreement and any obligation undertaken by the Government, or any privilege, immunity, facility or concession granted to the Office or to any member of its staff shall apply throughout the territory of Colombia and any other area under its jurisdiction.

III. APPLICATION OF THE CONVENTION

4. The Office, its staff, property, funds and assets shall enjoy the privileges and immunities specified in the present Agreement, as well as those provided for in the Convention, to which Colombia is a Party.

IV. GENERAL AIMS AND CRITERIA FOR THE ACTIVITIES OF THE OFFICE

5. In accordance with the mandate described in the preamble to this Agreement, the Office shall observe the human rights situation with a view to advising the Colombian authorities on the formulation and implementation of policies, programmes and measures to promote and protect human rights in the climate of violence and internal armed conflict prevailing in Colombia, and to enable the High Commissioner to make analytical reports to the Commission on Human Rights. In carrying out its mandate, the Office will focus its activities on cooperation with the Government of Colombia in order to assist in improving the human rights situation and, in conjunction with ICRC, to promote, within the limits of their respective mandates, respect for and observance of human rights and international humanitarian law in Colombia. The Office shall also advise the representatives of civil society, non-governmental human rights organizations and individuals on matters within its competence.

6. The activities of the Office shall be guided by the following criteria:

(a) All activities of the Office shall be directed towards the discharge of its mandate and attainment of its objectives;

(b) In view of the complexity of the situation in Colombia, the Office shall act, subject to the provisions of this Agreement, as a focal point, with a view to promoting a climate of trust with all sectors involved in and concerned with human rights problems and shall maintain contact and coordinate its activities with the national Government;

(c) The Office shall act with discretion and, in its relations with all sectors involved in matters within its competence, be guided by the principles of the United Nations, such as impartiality, independence, objectivity and transparency.

V. FUNCTIONS OF THE OFFICE

7. The functions of the Office, which are set out in its mandate and shall be performed under the authority of the High Commissioner, shall be the following:

(a) Advising the Executive Power on the overall formulation and implementation of human rights policies. In this context, it may advise the security forces. It shall also advise the Legislative Power and ensure that all draft human rights legislation is consistent with international human rights instruments;

(b) Advising representatives of civil society and individuals on any matter concerning the promotion and protection of human rights, including the use of international protection mechanisms;

(c) Advising existing and any future national institutions concerned with the promotion and protection of human rights, in particular, the Office of the Procurator-General and the Office of the People's Advocate, as well as the Office of the Public Prosecutor and members of the judiciary, with a view to strengthening their action;

(d) Advising State and non-governmental bodies on public education programmes and on programmes for the training of law-enforcement officials, lawyers and members of the judiciary;

(e) Ensuring that the recommendations and decisions of United Nations bodies are duly taken into account by government agencies with related duties and responsibilities, and advising them on the adoption of specific implementation measures;

(f) Receiving complaints on human rights violations and other abuses, including breaches of humanitarian law applicable in armed conflicts. The Office shall transmit such complaints promptly to the competent national authorities in order to expedite action on

them in accordance with domestic legal procedures. When, in the opinion of the Office, such procedures are not compatible with the provisions of international instruments, it shall so notify the competent authorities and may make recommendations regarding the possibility of adopting corrective measures. When the Office deems that circumstances so require, it shall keep the identity of authors of complaints secret. The Office may also recommend and promote measures for the protection of authors of the complaints which it receives, and of victims of and witnesses to the acts in question. The Office shall urge and encourage complainants to lodge their complaints with the competent authorities as quickly as possible. In considering the complaints which it receives, the Office shall not assume the functions of national and intergovernmental bodies which, under Colombian law or international treaties to which Colombia is a party, have powers of inspection, investigation and judgement. In particular, the Office shall refrain from issuing categorical statements identifying individuals or organizations as legally responsible for having committed the acts of which they are accused;

(g) Maintaining continuous contact with all competent civil and military government and State agencies and with civil organizations for the promotion and protection of human rights, with a view to observing and maintaining independent and impartial surveillance of the human rights situation, with due regard to the climate of violence and internal armed conflict prevailing in the country. To these ends, the Office shall agree with the Government and competent State agencies on the form and establishment of permanent mechanisms for communication, consultation and cooperation with the above-mentioned sectors, without prejudice to the freedom of the Office to establish any contacts it deems necessary for the conduct of its activities. When it is necessary to make contact with persons deprived of their freedom, the Office shall coordinate such contacts with the competent authorities.

8. The Office shall report to the Government regularly on its concerns and assessments regarding matters within its mandate, with a view to promoting dialogue on them and obtaining relevant observations. The Office shall make public announcements only in the form of reports and statements by the High Commissioner and the Director of the Office.

9. The Office shall report exclusively to the High Commissioner on the activities carried out within its mandate and its functions, on conditions which have facilitated or impeded them, on action-oriented commitments by the Government and on any resulting measures, as well as recommendations for future action.

10. The High Commissioner shall present publicly to the United Nations Commission on Human Rights detailed analytical reports on the activities of the Office and on other matters referred to in the foregoing paragraph, as well as on the human rights situation in Colombia, bearing in mind the climate of violence and internal armed conflict. He shall also make any observations

and recommendations he deems necessary. For the discharge of their respective mandates, the High Commissioner shall make the relevant information gathered by the Office available to the various bodies established under human rights treaties to which Colombia is a party, as well as to other United Nations human rights mechanisms and programmes.

11. The Government may express its views on the above-mentioned High Commissioner's reports and make any observations it deems necessary on their content, and may request the High Commissioner to transmit such observations to the Commission on Human Rights, without prejudice to the right of the Government to address the Commission itself when it deems necessary.

VI. STATUS AND COMPOSITION OF THE OFFICE

12. The Office shall have its headquarters in Santafé de Bogotá. It may also set up sub-offices, where necessary and feasible, with the agreement of the Government.

13. The Office shall comprise six (6) professionals appointed by the High Commissioner, and such local staff as may be deemed necessary. The Director of the Office shall be an individual of recognized relevant expertise. The number of professionals may be increased with the agreement of the Government.

14. The Office shall be open to the public.

15. The Office and its staff shall refrain from any activity incompatible with the international and impartial nature of their functions or contrary to the spirit of this Agreement or Colombian law. The Director of the Office shall take all necessary measures to ensure compliance with these obligations. The Government shall undertake to respect the exclusively international status of the Office.

16. The Office and any sub-offices, their property, funds and assets, wherever located and by whomsoever they are held, shall enjoy immunity except in so far as, in any particular case, the United Nations has expressly waived immunity. Such waiver shall not, however, extend to measures of execution.

(a) All premises used by the Office shall be inviolable. The property and assets of the Office and its sub-offices, wherever located and by whomsoever they are held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action;

(b) The appropriate local authorities shall not enter the premises of the Office except with the express consent of the Director of the Office and under conditions agreed to by him.

17. The archives of the Office and in general all documents belonging to it or in its possession, wherever they are located and by whomsoever they are held, shall be inviolable.

18. The Office, its assets, income and other property shall:

(a) Be exempt from all direct taxes and value added tax under the terms of section 8 of the Convention; it is understood, however, that the Office may not claim exemption from taxes which are in fact no more than charges for public utility services;

(b) Be exempt from Customs duties and prohibitions and restrictions on articles imported or exported for its official use. It is understood, however, that articles imported free of duty shall not be sold on Colombian territory, except under conditions agreed upon with the Government;

(c) Be exempt from Customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

19. The Office shall enjoy the facilities in respect of communications provided for in article III of the Convention. Accordingly, no censorship shall be applied to the official correspondence and other official communications of the Office. Such immunity shall extend to printed matter, photographic and electronic data and other forms of communication. The Office shall be entitled to use codes and to dispatch and receive correspondence either by courier or in sealed pouches, all of which shall be inviolable and not subject to censorship. The staff of the Office shall be entitled to communicate with their headquarters in Geneva and with staff members in the field by radio, telephone, fax, satellite or any other means of communication.

VII. STATUS OF THE STAFF OF THE OFFICE

20. The Director of the Office shall enjoy in Colombia the privileges and immunities provided for in the Convention.

21. Officials of the United Nations assigned to the Office shall enjoy the privileges and immunities provided in articles V and VII of the Convention.

22. Experts on mission for the United Nations shall enjoy the privileges and immunities provided for in article VI of the Convention.

23. Such privileges and immunities shall be accorded to officials in the interest of the United Nations and not for the benefit of the individuals themselves. The Secretary-General of the United Nations shall have the right and duty to waive the immunity of any official in any case in which, in his view, such immunity impedes the course of justice and may be waived without prejudice to the interests of the United Nations. The Office shall cooperate with the competent Colombian authorities in facilitating the proper administration of justice, ensuring compliance with public regulations and preventing any abuses in connection with such privileges, immunities and facilities.

VIII. ENTRY INTO, EXIT FROM AND MOVEMENT WITHIN COLOMBIA

24. The staff and officials of the Office shall enjoy unrestricted freedom of entry into and exit from Colombia, without delay or hindrance, of its members, property, supplies, equipment, spare parts and means of transport, in accordance with the Convention.

25. The staff of the Office shall enjoy unrestricted freedom of movement throughout the territory of Colombia. The Government shall facilitate freedom of movement in restricted areas, in coordination with the competent authorities. Freedom of movement shall include the following prerogatives, to be exercised in accordance with the mandate of the Office:

(a) Access to all prisons, detention centres and places of interrogation. The staff of the Office shall have the possibility of speaking in private with any person detained or present in such places, in accordance with the provisions of article V, paragraph 7 (g);

(b) Access to central and local authorities in all branches of Government, including the police and armed forces;

(c) Direct contacts with private individuals, representatives of non-governmental organizations, private institutions, hospitals and medical centres and the media;

(d) Access to all official documentary material necessary for the proper conduct of the activities of the Office, with the exception of documents which are confidential.

IX. FLAGS, EMBLEMS AND MARKINGS

26. The Office may display the United Nations flag and/or emblems on its premises, official vehicles and otherwise as agreed between the Parties. Vehicles of the Office shall carry a distinctive United Nations emblem or marking which shall be notified to the Government.

X. IDENTIFICATION

27. The Government shall, at the request of the Director of the Office, issue to the staff of the Office the necessary identity documents stating that, as members of the staff of the Office, they enjoy privileges and immunities, in particular with regard to freedom of movement.

28. At the request of an authorized government official, members of the staff of the Office shall produce, but not surrender, their identity documents.

29. The Office shall, upon termination of employment or reassignment of any member of its staff, ensure that all identity documents are returned promptly to the Government.

XI. GOVERNMENT GUARANTEES

30. The Government shall afford the Office and its staff the necessary security throughout Colombia for the effective conduct of its activities. To this end, the Office shall notify the designated government authority in good time of any proposed travel arrangements which might entail a risk to the safety of its staff.

31. The Government undertakes to respect the status of the Office and its staff and to ensure that no person who has had contact with the Office is subjected to abuse, threats, reprisals or legal proceedings on those grounds alone.

32. Wherever this Agreement refers to the privileges, immunities and rights of the Office and its staff and to the facilities the Government undertakes to provide, the Government shall have the responsibility of ensuring that the competent local authorities respect those privileges, immunities and rights and provide the facilities in question.

XII. SETTLEMENT OF DISPUTES

33. Any dispute between the Office and the Government regarding the interpretation and application of this Agreement, or any other supplementary agreement, which is not settled by negotiation or another agreed mode of settlement shall be submitted to arbitration at the request of either Party. Each Party shall appoint one arbitrator and the two arbitrators so appointed shall appoint a third who shall be the chairman. If within thirty (30) days of the request for arbitration either Party has not appointed an arbitrator, or if within fifteen (15) days of the appointment of two arbitrators the third arbitrator has not been appointed, either Party may request the President of the International Court of Justice to appoint an arbitrator. The arbitration procedure shall be determined by the arbitrators and the costs of the arbitration shall be borne by the Parties as assessed by the arbitrators. The arbitral award, duly substantiated, shall be accepted by the Parties as final.

XIII. LIAISON WITH THE GOVERNMENT

34. The Government shall designate a high-level liaison body with decision-making power, to ensure communication with the Office regarding all matters relating to its activities.

XIV. SUPPLEMENTARY AGREEMENTS

35. The High Commissioner and the Government may conclude supplementary agreements to this Agreement.

XV. FINAL PROVISIONS

36. The Office and its staff and the Government undertake to abide by the provisions of this Agreement.

37. This Agreement shall enter into force on the date of signature.

38. This Agreement shall be valid for 17 months. The Parties may extend it for periods of one year by an exchange of written communications expressing their wish to do so. Such communications shall be sent not less than 90 days before the expiration of the 17-month period referred to in this paragraph or the expiration of the current one-year extension.

39. While the Agreement is in force, either of the Parties may terminate it by so notifying the other Party in writing. The termination shall take effect 90 days after the receipt of such notification.

Done in Geneva, on the twenty-ninth day of November one thousand nine hundred and ninety six, in two copies in Spanish, both texts being equally authentic.

(Signature):

For the Government of the
Republic of Colombia

María Emma Mjía Vélez
Minister for Foreign Affairs

(Signature):

For the United Nations

José Ayala Lasso
High Commissioner for Human Rights

Geneva, 29 November 1996

Mrs. María Emma Mejía Vélez, Minister for Foreign Affairs (on behalf of the Government of Colombia), and Mr. José Ayala Lasso, United Nations High Commissioner for Human Rights (representing the United Nations), have agreed as follows:

1. The United Nations thanks the Government of Colombia for its generous offer to provide premises for the High Commissioner's Office in Colombia.

To this end, the following procedure shall be adopted:

(a) The High Commissioner, with the agreement of the Government of Colombia, shall select the premises which he considers suitable in terms of neutrality, security and accessibility and as being of a standard equivalent to that of other United Nations offices in Colombia;

(b) The selected premises shall be rented for the duration of the existence of the Office of the High Commissioner in Colombia;

(c) The Government of Colombia shall bear the cost of renting the premises in question through monthly payments.

2. This letter is signed in Geneva simultaneously with the signature of the Agreement for the establishment of an Office of the United Nations High Commissioner for Human Rights in Colombia.

María Emma Mejía Vélez
Minister for Foreign Affairs
of Colombia

José Ayala Lasso
United Nations High Commissioner
for Human Rights

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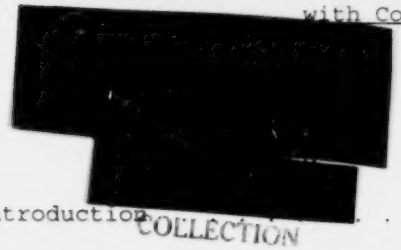
Fifty-third session
Item 3 of the provisional agenda

ORGANIZATION OF THE WORK OF THE SESSION

Second report on the human rights situation in Burundi submitted by the Special Rapporteur, Mr. Paulo Sérgio Pinheiro, in accordance with Commission resolution 1996/1



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Introduction

1. This document is submitted by the Special Rapporteur to the Commission on Human Rights at its fifty-third session, in accordance with Commission resolution 1996/1; it follows on from the report he submitted to the General Assembly at its fifty-first session (A/51/459) for the period 16 February to 30 September 1996 and covers the last three months of 1996. However, as the Special Rapporteur announced in his report to the General Assembly, the chapter concerning observations on the human rights situation will cover the period from mid-February to the end of December 1996.

2. The first chapter gives some points of reference concerning the general situation and recent developments in Burundi. The second chapter contains the observations which the Special Rapporteur feels it necessary to make on the human rights situation, and the last chapter gives his final observations and recommendations.

3. Subsequent to the extension of his mandate for a further year by Commission resolution 1996/1, the Special Rapporteur undertook his third mission to Burundi from 1 to 17 July 1996 (see A/51/459, paras. 1-9); he then went to United Nations Headquarters to submit his report to the Third Committee of the General Assembly on 15 November 1996 and to give a press conference in which the Special Rapporteur on the situation of human rights in Rwanda, Mr. René Degni-Ségui, also took part. The Special Rapporteur also met the representatives of the Permanent Missions to the United Nations of South Africa, Burundi, Chile and the United States, and Mr. Lansana Kouyaté, Assistant Secretary-General for Political Affairs. In addition, he took part in a video conference on Burundi organized by Human Rights Watch, with some of its members in New York, Washington and Buffalo. Lastly, he participated in several radio programmes broadcast by Radio France International, in a number of British Broadcasting Corporation (BBC) programmes and in programmes on Brazilian television.

I. THE OVERALL SITUATION

A. Evolution of the conflict in Burundi in the last three months of 1996

4. During the last three months of the year just ended, the trends which the Special Rapporteur had already identified in his report to the General Assembly on the human rights situation in Burundi, following his third mission from 1 to 17 July 1996, had been greatly exacerbated by the crisis which had ravaged the eastern region of Zaire. There had been an escalation of the conflict and fighting which was frequently violent, partly as a result of the activity of the Banyamulenge rebels, which resulted in the movements or flight of the population towards Uvira and other parts of Southern and Northern Kivu. It is believed that, during these population movements, large numbers of Hutu rebels, including their general staff, made for the United Republic of Tanzania via the provinces of south and south-west Burundi.

5. The recent crises and outbreaks of rebellion in Zaire have directly affected Burundi and diverted the attention of the international community from the country's affairs. As might be expected, the two main parties in the

conflict, the armed forces and the rebels, took advantage of the respite afforded by the deterioration of the situation in Zaire to launch new offensives, the former to put an end to the rebellion and the latter to make their presence in Burundi felt even more, while at the same time seeking to establish new bases in Tanzania. This led to increased tensions in the interior and in the provinces abutting on Zaire and Tanzania.

6. In addition to the serious disturbances which took place in Kayanza, Karuzi, Muramvya and Gitega provinces, the most violent clashes were in the south and south-western provinces, particularly Bururi, Makamba, Rutana, Ruyigi and Cankuzo. In Zaire, the fighting seems to have disrupted the rebels' supply sources, causing them to intensify their attacks on the Burundi army at every opportunity. The armed forces for their part are reported to have launched a number of military operations to prevent the rebels from crossing the country and setting up new bases on the other side in Tanzania, near the border with Burundi. The Special Rapporteur was informed of large-scale movements of Burundi army troops and equipment in recent months, at several key points along the border with Tanzania, designed to contain rebel action.

7. In the second half of December and beyond, the rebels reportedly carried out a number of attacks on military positions in the provinces of Rural Bujumbura, Makamba and Bururi, in southern Burundi, and laid numerous ambushes on the RN 3 road, near Lake Nyanza and on the road to Bugarama, which apparently resulted in the death of several civilians and soldiers. The attacks on communes in Bururi province seem to have been intended to undermine the morale of various military officers from that area.

8. Lastly, the RN 3 road from Bujumbura to the south of Burundi in the direction of Rumonge was allegedly the target of numerous ambushes, which demonstrated the increasingly insecure situation in the region. Skirmishes were reported not far from Lake Nyanza in Makumba province. Although the security situation has been improving in the capital for some months, it is not unusual to hear shots in the neighbouring collines, especially to the south-east of Bujumbura.

9. In order to be in a better position to react to rebel manoeuvres, the de facto Government has reportedly reorganized administrative structures in the provinces of Rural Bujumbura, Kayanza, Gitega, Muramvya and Karuzi, where the rebel attacks seem to have been particularly destructive, in order to give the military authorities more control over the population and simplify the administration of these provinces.

10. As the Special Rapporteur noted in his report to the General Assembly (A/51/459, paras. 11 and 12), the intensification of fighting in November and December 1996 fuelled the constant stream of killings and massacres, targeted assassinations, arbitrary arrests, enforced disappearances, looting and acts of banditry and the destruction of private property by both parties to the conflict. Although final responsibility for these gross violations of human rights very often devolves, according to the allegations received, on the armed forces, it is also clear that the rebels are frequently implicated in these acts. Much of the time women, children and the elderly continue to be the innocent victims of this indiscriminate violence, which for the most part

takes place in the absence of witnesses. The Special Rapporteur would like to point out that rebels, Tutsi militias or Tutsi groups from the displaced persons' camps accompanying the military, are all equally guilty of murderous acts that result in grave violations of international humanitarian law and human rights. Once again, he condemns these atrocities most strongly, whoever their perpetrators are.

11. In requesting the de facto authorities to take steps to punish the blunders and the massacres, the Special Rapporteur is seeking, not to single them out, but rather to encourage them to honour the commitments made earlier by the Burundi Government. As he said in his previous report to the General Assembly (see A/51/459, paras. 13 and 14), the violence and the unrest which prevail in Burundi can be attributed to several actors or parties, first and foremost to the armed forces and the security forces, next, to the militias, which are related to them, and, lastly, to an armed opposition that itself comprises various groups. All these actors are responsible, although to varying degrees, for the grave violations of human rights and international humanitarian law which are being perpetrated. It would therefore be unfair to put the rebel groups, no matter what their role in the violence and massacres has been, on the same footing as a State which has ratified the major international instruments on human rights and international humanitarian law and is therefore bound by strict obligations. While these obligations are not, technically speaking, binding to the same extent for the rebels or armed gangs, these groups do, nevertheless, also have an obligation to respect certain humanitarian principles that are part of international customary law and are recognized by all civilized nations. In his earlier reports and statements, the Special Rapporteur has consistently denounced the violence and the atrocities committed by the rebel opposition with the same energy as he has employed to stigmatize the grave violations of human rights by the agents of the Burundi State. However, the Special Rapporteur by no means underestimates the difficulties facing the Burundi army in its confrontations with the rebel groups. 1/

12. The many clashes between the army and the rebels, often attributable to the latter, the size of the forces involved and the fact that during the past year these clashes took place in the main regions of Burundi lead to the conclusion that the country is being torn apart by a veritable civil war (see also E/CN.4/1966/16, para. 10 and A/51/459, para. 12). The clashes which occurred between October and December 1996 showed that the rebels were able to use mortars while the army retaliated with aircraft.

13. Although several testimonies to date suggest that at times the rebels use fairly sophisticated equipment and that their combat logistics have improved, they nevertheless do not yet seem to be strong enough to deal a decisive blow to the Burundi army in conventional combat. The weapons used up to now by the rebels tend largely to be hand-crafted and makeshift, and the injuries they inflict are sometimes very difficult to treat, given the wide variety of projectiles and materials used. However, according to very recent information which has reached the Special Rapporteur, the use of anti-tank mines by the rebels on the earth roads used mainly by military vehicles,

particularly in Rural Bujumbura, Muramvya and Kayanza, which apparently have already caused at least 28 deaths and injured 12 people, both soldiers and civilians, shows beyond any doubt that a new stage has been reached in the balance of forces between the warring parties.

14. During the last three months of the year, the Special Rapporteur noticed that attacks on large numbers of military positions by armed gangs or rebels had continued without a break throughout the country. According to allegations, these attacks had elicited reprisals by the army, most frequently against the civilian population, and had caused numerous casualties among women, children and the elderly. The reprisals almost always followed the same pattern: after a skirmish or the ambush of a military position by a group of rebels, and their immediate withdrawal, the army would respond by pursuing the rebels into the collines, often accompanied by displaced Tutsis who had temporarily left their camps. If they did not find the rebels, they would jointly take it out on the inhabitants of the collines by killing them, looting their possessions or burning their houses. The difficulties the Burundi army is apparently experiencing in locating or capturing the rebels who attack their positions explain the transitional Government's new strategy of identifying the rebels and cutting them off from their supply bases by rounding up the populations of the collines, forcibly if necessary.

15. The Special Rapporteur is nevertheless firmly convinced that the de facto authorities have the means of rectifying the disastrous image of Burundi which prevails among the frontline African countries and other sectors of the international community, by taking the trouble to admit to these serious violations of international humanitarian law and human rights and by conducting serious investigations to unmask and punish the guilty parties. It is to be hoped, however, that the initial investigations requested by the de facto authorities on 1 December concerning the massacre, allegedly committed by the army on 22 October 1996, of 298 returnees who had taken refuge in the Adventist church in Murambi, Buganda commune, Cibitoke province - an allegation initially denied by the commander of the military region in question - will be followed by a detailed inquiry or other similar measures should further massacres be committed by members of the armed forces. The Special Rapporteur was very shocked to learn of allegations that, in Kayanza province alone, some 3,000 civilians were killed by the Burundi army in December 1996. If the Burundi authorities mean to show the international community that the army does not engage in human rights violations of this nature, they absolutely must allow human rights observers as much access as possible to the witnesses and to the scenes of the incidents in question, and facilitate their investigations. Any refusal on their part to admit to certain events or any obstacle placed in the way of the investigations can only go against the de facto Government's basic interests and permanently tarnish its image in the eyes of international public opinion.

16. The Special Rapporteur has followed very closely the activities of the Observer Mission in Burundi which began operations in April-May 1996 and welcomes the excellent relations it has established with the Burundi authorities and in particular with the Ministry of Defence and its general staff, the Ministry of the Interior and Public Security and the Ministry of Justice. To date, despite often very uncertain security conditions, the Observer Mission, which currently comprises 9 observers in Burundi and a

security officer and is awaiting the imminent arrival of another 10, has been able to conduct some 40 investigations in the field, mainly in Bubanza, Bujumbura-Mairie, Rural Bujumbura, Bururi, Cibitoke, Gitega, Kayanza, Muramvya, Muyinga, Ngoyi, Rutana and Ruyigi provinces. The only provinces which the Observer Mission has not yet visited are Cankuzo, Karuzi, Kirundo and Makamba.

B. The continuing stagnation in Burundi

1. A democracy in neutral gear

17. The Special Rapporteur is very concerned about the consequences of the 25 July 1996 coup d'état on the political life of Burundi, quite apart from the trend of the conflict in the country. According to the information he has received, the accession to power of Major Buyoya has radicalized the positions of extremist groups both in political circles and in the army, thus encouraging the increasing militarization of Burundi society.

18. The economic sanctions imposed by the frontline African countries on the de facto Government in order to oblige it to restore the institutions which emerged from the abortive 1993 attempt at democratization, to conclude a cease-fire and engage in serious negotiations with all the parties to the Burundi conflict, have not been very successful. Although the Burundi authorities have restored some of the prerogatives of the National Assembly and lifted the suspension on the activities of the political parties and the political and social associations, they persistently refuse to go back to the Constitution of March 1992, which provided for Burundi's first democratic institutions, or to authorize public demonstrations by the political parties.

19. Furthermore, although the de facto Government has declared its attachment to peace and its openness to negotiations, albeit under certain conditions, it has recently adopted measures which rather tend to indicate a desire to pursue the war and conquer the enemy wherever he may be. The decree-law of 1 December 1996 establishing compulsory national civic service for all citizens, in the form of obligatory unpaid services rendered to the State in areas of public utility or development, including education, national defence, health, social work, the environment and reconstruction, directly affects first-year and second-year university students by preventing them from making a normal start on their courses. Any person refusing to perform civic service is liable to penal servitude of between one month and a year. A second decree-law, dated 24 December 1996, institutes a contribution to national welfare by all physical and legal persons receiving an income from their activities. While a study by the competent services has reportedly been requested to determine the peasant contribution to the war effort, members of the Government and persons with ministerial rank or prerogatives were also asked to make a contribution amounting to FBu 25,000 (approximately US$ 80) each. These initiatives, including the government policy of forcibly resettling large numbers of the Hutu population away from their collines, lead the Special Rapporteur to believe that the behaviour of the de facto authorities is based on a wartime rationale for conquering the rebels and that, every day, it moves further from the path of negotiation. He sees in it absolutely no sign of the beginnings of a Burundi strategy for peace and reconciliation.

20. Within the country, the time has come for national debate among certain Burundians, even before the conditions are right for a cease-fire and negotiations with all the parties to the conflict. Since the Arusha meeting of 12 October 1996 did not lead to the lifting of sanctions against Burundi, the de facto Government has proclaimed its intention of abandoning all negotiations with the rebels until the embargo is removed.

21. Despite the summit with the leaders of the Central African countries held in Brazzaville (Congo) and a meeting among some of the same leaders at a French-African summit at Ougadougou (Upper Volta), early in December 1996, both of which came out in favour of lifting the sanctions against Burundi, the political climate in Burundi has become frankly deplorable. Suspicion is rife among the representatives of the Union pour le progrès national (UPRONA) and the Front pour la démocratie au Burundi (FRODEBU) as a result of the legal proceedings instituted by the Attorney-General against the President of the National Assembly, the Secretary-General of FRODEBU, the chairman of the FRODEBU parliamentary group and several high-ranking military officers, chiefly as a follow-up to the conclusions of the International Commission of Inquiry in Burundi. All these measures have done is destabilize the parties involved, poison their respective relations and relegate all prospects of genuine and constructive dialogue to a distant future. The deposed former President, Sylvestre Ntibantunganya, is still sheltering in the United States Embassy in Bujumbura.

22. The initiatives of former President J. Nyerere, the mediator for Burundi, have reportedly met with an increasingly mixed response in Burundi, ever since many of the supporters of L. Nyangoma, President of the Conseil national pour le défense de la démocratie (CNDD) and members of his armed front, the Forces de la démocratie (FDD), left Zaïre to set up new rebel bases in Tanzania, although their chief has apparently settled in Nairobi (Kenya) for the time being. Former President J. Nyere, who has reportedly received death threats, would thus seem to be having a difficult time in his exacting role of mediator. The President of UPRONA, in a letter of 11 December, apparently rejected the offer of former President Nyerere to go to Arusha to discuss the possibility of peace talks. At the Arusha (Tanzania) meeting, from 12 to 14 December, former President Nyerere met separately with the delegations of UPRONA and FRODEBU, which had no exchanges with each other. While the representatives of UPRONA had had no problems in travelling to Arusha, the two members of FRODEBU - the Governor of Bururi province and the party spokesman - who were to have represented their party at the meeting, found themselves prevented at the last minute from leaving Burundi by the office of the Attorney-General. FRODEBU was finally represented by its President-in-exile in Kenya, Mr. Jean Minani. The de facto Government for its part sent a delegation led by the Minister for Foreign Affairs and Cooperation. The summit meeting in Nairobi on 16 and 17 December 1996 brought together for the first time, in addition to former President Nyerere and the Secretary-General of OAU, other African heads of state, including President Mandela (South Africa) and President Mugabe (Zimbabwe), for discussions on the Great Lakes crisis. On the Burundi front, UPRONA and the Ralliement pour la démocratie et le développement économique et social (RADDES) refused to take part in the meeting, although the President of FRODEBU and some members of CNDD attended it.

23. Lastly, the Special Rapporteur notes that the unilateral announcement of an 11-day truce, instituted by CNDD on 23 December 1996 and accompanied by a warning to the Burundi army not to take advantage of it to attack CNDD positions or redeploy its forces throughout Burundi, on pain of a violent CNDD reaction, did not help in the least to cool tempers. Meanwhile, the Burundi authorities have rejected this offer, which they describe as propaganda.

2. The National Assembly, a threatened phantom?

24. The National Assembly resumed its duties under a decree of 13 September 1996 promulgated by Major Buyoya, but it continues to remain excluded from any substantive debate concerning the transitional regime and is in no state to function normally. Although the de facto Government has lifted the interdiction on Parliament, it has not fully restored the constitutional system or guaranteed certain minimum conditions of operation, so as to allow all members of Parliament to take their seats. The National Assembly has 81 members, 65 from FRODEBU and 16 from UPRONA. It is the latter, whose numbers are sometimes down to 10, who are the only members taking their seats in the National Assembly. The President of the National Assembly, who had taken refuge in the German Embassy and remained there for many weeks reportedly convened a regular session of the Assembly on 17 October 1996; no sooner had it been called to order than it became apparent that, with 36 members present out of 81, it did not have a quorum. As the Special Rapporteur has already said in his report to the General Assembly (see A/51/459, paras. 35 and 36), Parliament has so far been unable to take a decision on any of the urgent problems undermining the country.

25. To date, the transitional authorities have not been able to guarantee the inviolability of members of Parliament, or prevent violations of their safety or that of their families. Some of them have allegedly had their homes searched or have been subjected to legal proceedings. The President of the National Assembly was reportedly closely questioned for seven hours by the Attorney-General on 22 November 1996 with regard to allegations of having taken part in acts of genocide in Rural Bujumbura province, following the events of October 1993. Just after the interrogation, the President of the National Assembly apparently only just escaped an attack on his person planned by the President of the Solidarité Jeunesse pour le défense des minorités (SOJEDEM).

26. The Inter-Parliamentary Union, which recently suspended Burundi's membership, has continued with its investigations into the fate of 31 members of Parliaments, who have been assassinated or have been the victims of assassination attempts, have received death threats or are in exile abroad. At its 96th Conference in Beijing, in September 1996, IPU strongly urged the Burundi authorities immediately to restore the rights of a number of parliamentarians, including Mr. N. Ndihokubwayo, Mr. I. Kubwayo, and Mr. Ndanga, who were refugees or had obtained political asylum abroad, and to take all necessary steps to allow members of Parliament forced into exile to return home without fear for their lives and their personal safety. The Inter-Parliamentary Union also expressed the wish to obtain information on

the situation of another two members of Parliament, Mr. L. Ntibayazi and Mr. F. Banvuginyunvira, who had reportedly sought refuge in an embassy in Bujumbura.

3. An overworked and under-equipped system of justice

27. In the light of the most recent information which has reached him, the Special Rapporteur can only reiterate his deep concern at the almost complete destitution in which the Burundi legal system operates (see also E/CN.4/1996/Add.1, paras. 26-30 and A/51/459, paras. 52-54). The appeals courts, prosecutors and officials working in their services lack everything they need to prepare the case-files of accused and the court hearings; they are without paper, photocopiers, typewriters or means of transport for conducting inquiries or taking detainees from the prison to the court. The state of paralysis at all levels of the Burundi justice system also derives in particular from the lack of trained or qualified personnel. The courses for clerks of the court and other magistrates organized by the office of the United Nations High Commissioner for Human Rights in Burundi, opened in June 1994, are thus extremely useful.

28. The number of persons held in Burundi's various prisons is constantly on the increase. For example, the population of Mpimba central prison went up from 1,725 to 1,853 between October and December 1996. The December statistics supplied by the prison administration to the Observer Mission report 1,615 persons being held in pre-trial detention, while only 181 of those under a death sentence had reportedly been tried. The number of women and young children seems to have increased by only a few individuals.

29. There was a large increase in the population of Gitega central prison, which registered some 545 new prisoners, going from 858 persons in October to 1,403 in December 1996. During the same period, the number of female prisoners increased from 29 to 40.

30. For the most part, these persons appear to have been arrested by security officers without arrest warrants or by means of a simple report of arrest and held arbitrarily, often for more than a year without ever being brought before a judge; nor do they seem to have had access to a lawyer to prepare their defence. The Special Rapporteur was dismayed to learn that many prisoners appear to have undergone cruel, inhuman or degrading treatment, and have even not been properly fed, when held in army or police communal cells before being transferred to a prison. Some prisoners who were apparently violently beaten when they were held in the cells are reported as having died shortly after arrival in prison. In the last few months, Muyinga prison has allegedly had as many as 15 deaths of this type every month.

31. The prisoners (7,525 for the whole country by the end of December 1996, including 6,193 in pre-trial detention), the great majority of whom are Hutus are allegedly charged with participation in the October 1993 massacres. Other charges include murder, assault, looting, membership of armed gangs, attacks on State security, criminal conspiracy, complicity to murder and conspiring to murder.

32. The reform of the legal system in Burundi requested by the Special Rapporteur in his earlier reports (E/CN.4/1996/16, paras. 146-153, E/CN.4/1996/16/Add.1, para. 58 (d) and A/51/459, paras. 72, 73, 79 and 80) is increasingly indispensable to enable the third session of the criminal courts, which began in November 1996, to remedy the blatant shortcomings noted to date and limit the arbitrary element of verdicts (see also the recommendations of the Special Rapporteur in this report, paras. 105, 106 and 110).

4. A seriously ailing economy

33. According to the Burundi authorities, the losses due to the economic sanctions amounted to some US$ 163 million for the whole country at the end of 1996. Since the embargo was imposed, most foodstuffs, including beer and non-alcoholic drinks, have allegedly increased in price by 60 to 150 per cent, mainly because of the devaluation of the currency which took place after the 25 July 1993 coup d'état.

34. The general fuel shortage in Burundi has also caused a very considerable increase in transport costs, not to mention the obstacles to the distribution of seed in the regions most affected by the drop in food production.

35. A recent Food and Agriculture Organization (FAO) report states that the shortfall in agricultural production in 1996 due to the combined effects of the economic sanctions and the civil war is estimated at 53,000 tonnes of cereals, 69,000 tonnes of pulses, 181,000 tonnes of root vegetables and tubers and 123,000 tonnes of various types of banana.

36. However, as the economic sanctions have dragged on, some astute entrepreneurs have apparently succeeded in importing large quantities of fuel from Rwanda and Tanzania in long road convoys (a litre reportedly costs between US$ 2.50 and 3.00 at the present time). There appears to be little difficulty in smuggling many industrial products or consumer goods such as cement, salt and other household and health articles into Burundi from Zambia, Tanzania and Kenya, inter alia via Lake Tanganyika.

II. OBSERVATIONS ON THE HUMAN RIGHTS SITUATION

A. Violations of the right to life and physical integrity

37. Since the allegations which have come to the Special Rapporteur's attention are so numerous, they will be dealt with in the addendum to this report.

B. Enforced disappearances

38. Although it is difficult to give accurate statistics of the number of enforced disappearances thought to have taken place in Burundi in the past year, this phenomenon, which is on the increase, continues to be linked to the conflict which is tearing Burundi apart. Several allegations of disappearances which have reached the Special Rapporteur point to army or police, and sometimes also rebels, involvement.

39. On 10 May 1996, a certain Magnus Nadimurirwo was allegedly arrested near his home, close to a military post in north Mutanga (Bujumbura-Mairie) by the post commander. According to his family, the soldiers on duty that day apparently declared that the arrest had been for routine questioning. According to witnesses, the missing man was killed and buried in the environs of the military post of Gihosha. None of the searches undertaken in the Special Search Brigade (BSR) or the Government Procurator's Office produced any results.

40. On 14 September 1996, a catechist, Macaire Bavumiragira, was allegedly arrested by the chief of the Butihinda area, Muramba commune, Muyinga province. He was taken to the military post at Kamaramagambo and held there for some 12 days, before being transferred to the police and taken to the Muyinga station. His wife apparently went to the station several times to look for him and asked about his whereabouts, but to no avail.

41. In the cases of some of the above-mentioned disappearances, the Observer Mission has been approached by the families of the missing persons or has been in a position to take steps to clarify what happened to them.

42. On 1 November 1996, Ferdinand Nkundwa and his son Geoffoy, returnees from Zaire temporarily in the Gatumba transit camp, were allegedly taken away by soldiers for questioning. They have apparently not been seen since. According to evidence given by other returnees in Gatumba camp, they are among a number of persons who were taken away by soldiers and have disappeared.

43. On 5 November 1996, Melchior Bigirimana and Marc Sindayigaya, both from Muramvya province, and Leonidas Ndayishimiye, from Rutana province, all of them returnees from Zaire, were allegedly arrested by Captain Bashirahishize on arrival at Bujumbura, in the Rohero district. The three returnees apparently passed through Gatumba transit camp and were registered there by the United Nations Office of the High Commissioner for Refugees (UNHCR). Since then, they have apparently not been seen again.

44. On 7 November 1996, Gerolf Désiré Mupenda, an agricultural engineer in Bujumbura, was allegedly kidnapped by the police in the town hall where he had gone to fetch his identity card. His family has apparently had no news of him since then.

45. Also on 7 November, Jean Christophe Bavugirubusa, a civil service editor, was allegedly arrested around 4 a.m. by the BSR gendarmerie, accompanied by the area chief, who had come to search his home at Buyenzi, Bujumbura-Mairie. Later, he seems to have been taken to the BSR station, where his wife apparently saw him the day after his arrest. A few days later, a judicial police officer reportedly informed her that the missing man had been released with another detainee on the evening of 11 November or the morning of 12 November, since when he has apparently not been seen again.

46. On 9 November 1996, Emmanuel Ntahomvukiye, a teacher at Kivoga secondary school, was allegedly arrested by the commune administrator of Mutimbuzi, Muyange colline, Rubirizi district, commune of Mutimbuzi, Rural Bujumbura, suspected of belonging to the rebel groups following the disappearance of the school principal. Since then, his family has apparently had no news of him.

47. On 14 November 1996, Laurence Rusuku, a teacher at Rutegama communal school, was allegedly kidnapped from the Banque commerciale by members of the local municipal police. Her husband had been a FRODEBU party official. Since then, her family reportedly has not seen her again.

48. On 18 November 1996, Mathias Ngendabanykwa, aged 37, the principal of Marumane primary school, commune of Rutegama, Murumvya province, was reportedly arrested on his colline by a military patrol and has not beer seen since. According to witnesses, he was executed on arrival at the military post of the commune.

49. In late November 1996, the beadle of the Pentecostal Church and another couple are said to have been arrested in a café in Mugina commune, Cibitoke province, on suspicion of complicity with rebel groups, and taken to the military post at Mugina. Next day, the soldiers apparently informed their families that all three had been released. Since then, the families have had no news of them.

50. On 30 December 1996, Mr. Ntakanyuma, aged 62, a farmer, is reported to have been arrested by soldiers from the Donzi post, Maramvya sector, Burumbi commune, Bururi province, accompanied by young Tutsi students. The soldiers apparently informed the missing man's family that he had been released, but it seems that he has not been seen since.

C. Obstacles to the right to freedom of movement and freedom to choose one's residence

51. Attacks by the rebels and retaliation by the Burundi military have caused the mass movements or the flight abroad of tens of thousands of persons, of both Hutu and Tutsi origin; the consequences in humanitarian terms were such as to require the rapid intervention of the agencies of the United Nations system or the non-governmental organizations (NGOs) in Burundi. In November alone, some 80,000 Burundians had allegedly fled from the fighting raging in Ruhigi province to temporary refuge in Tanzania, while serious disturbances in Zaire would seem to have forced some 59,000 Burundians, who had found refuge in several different camps since the events of 1993, to return to Burundi. At least 45,000 of them are said to have gone to Cibitoke province, where particularly fierce fighting is reported between the Burundi military and the rebels. It is thus very difficult for the aid organizations to gain access to this region.

52. According to a report by UNICEF, which visited the province on 27 November 1996, approximately 100,000 returnees and displaced persons are living on the plain, without drinking water, since all sources of water, with the exception of a few streams, have been destroyed. Food supply is the other major problem, since the lack of security has seriously compromised sowing for the next harvest while the very late arrival of the rains will have very serious effects on next year's harvest.

53. In addition, between the beginning and the end of November 1996, approximately 15,400 Burundians also seem to have hurriedly left certain refugee camps in Southern Kivu and crossed Cibitoke province to the transit camp at Gatumba, a few kilometres from Bujumbura, not far from the

Burundi-Zaire border. The Observer Mission in Burundi picked up alarming accounts of dozens of persons having been killed crossing the Zaire-Burundi border, not far from Gatuma. During the same period, approximately 5,000 Burundians settled in Zaire are reported to have crossed Lake Tanganyika to seek refuge in Tanzania.

54. At the same time, the arrival of large numbers of returnees from Zaire meant that they tended to concentrate at specific points in the country. Early in November, the de facto authorities established an inter-ministerial committee for the local settlement of Burundi returnees, with a view to resettling these people in their original provinces and communes from the Gatumba transit camp. Apparently, the returnees were gradually sent to Bujumbura-Mairie and then to Rural Bujumbura, Bubanza and Cibitoke. However, alarming reports reached the Special Rapporteur about the state of exhaustion of a large number of returnees from Kivu, who had covered about 150 km on foot in 15 days. Serious cases of kwashiorkor, bloody diarrhoea and serious malnutrition were apparently identified. The Special Rapporteur is extremely concerned about returning these vulnerable population groups to provinces like Cibitoke or Bubanza which have been severely affected by the conflict, have no drinking water and are prevented from obtaining the various forms of assistance from the United Nations system or the international NGOs because of the insecure situation.

55. The Special Rapporteur nevertheless feels that these successive waves of returnees seriously jeopardize the survival of vulnerable population groups who are often sent back without due consideration to conflict zones, unprovided with medical assistance or adequate food. Other more appropriate solutions urgently need to be found, therefore, in order to put an end to repatriation of this nature when it takes place under duress.

56. Still more alarming is the policy of forcibly herding people into camps; this is being done by the de facto Government in several provinces with the self-confessed aim of keeping tighter control over the population groups and cutting the rebels off from their supply and recruitment bases. During December 1996, a large number of collines in the provinces of Karuzi, Bubanza, Cibitoke and Ruyigi have reportedly been emptied of their inhabitants. It is reported that persons refusing to submit to this policy find themselves rapidly accused of complicity with the rebels and treated as enemies. Yet, agreeing to go to the camps set up for them would mean losing the confidence of the rebels and their supporters. The situation in Karuzi province during the second half of December was particularly difficult, since the population groups that the authorities are said to have tried to force into the camps came precisely from communes in which the rebels apparently had numerous supporters. The Burundi authorities are reportedly considering further initiatives of this type in other provinces, so as to protect civilians from the machinations of the rebels and identify the latter.

57. Between late November and early December 1996, the number of displaced persons in Burundi increased suddenly and sharply, mainly because of the authorities' policy of moving certain population groups from the collines into camps and because of the intensification of the fighting in which civilians reportedly found themselves caught in the crossfire between the rebels and the army. Some sources suggest that up to 200,000 Burundians of Hutu origin, or

even more, may have already been forced into these makeshift camps. In addition, people flee from the fighting and hide in the environs of their homes. In Rural Bujumbura, it is reported that dozens of people in a state of advanced malnutrition have little by little emerged from the forest where they had been hiding for months in very precarious conditions. Several NGOs have suggested that large numbers of Burundians may have made for Rwanda to escape the violence sweeping Cibitoke province.

D. Obstacles to freedom of expression and freedom of the press

58. The excesses of the private press to which the Special Rapporteur alluded in his first report (see E/CN.4/1996/16, paras. 110-117) finally led the national Communications Council to take the sector in hand. Under a decision of 18 March 1996, this press regulatory body suspended seven publications until further notice and ordered them to comply with the rules of ethics of their profession and provide rapid and tangible evidence of having done so if they hoped to appear again.

59. Apart from one or two publications which have subsequently obtained the approval of the competent authorities to resume operations, the press now seems to be going through a very difficult phase. Since the change of regime on 25 July 1996, no newspapers have been put on sale at news-stands, with the exception of a few irregular issues of the Catholic monthly Ndongozi in the national language and the bimonthly Intahe (UPRONA). The above-mentioned difficulties were exacerbated by frequent electricity cuts in the capital and the chronic indebtedness of the newspapers to Bujumbura's two main printers. In recent months, however, it would seem to be the upheavals resulting from the temporary suspension of the political parties which have affected most of the political party newspapers, whether official or unofficial, such as L'Aube de la démocratie for FRODEBU, L'Indépendant for UPRONA, La Nation for the Parti pour le redressement national (PARENA), Le Carrefour des idées (UPRONA and PARENA extremists) or La Liberté for UPRONA. A publication like Le Phare-Panafrica allegedly received assistance from Reporters sans frontières up to the end of June 1996.

60. In November 1996, three newspapers which had just appeared on the capital's news-stands were reportedly seized the same day by the Documentation Service on the pretext that they had not complied with the terms of article 24 of the Burundi Press Act of 26 November 1996 with respect to the deadline for statutory deposit (24 hours for periodicals and 4 hours for daily newspapers) with the Ministry of the Interior or the Governor of the province where the publication is based. On 12 and 16 December 1996, the Minister of the Interior and Public Security allegedly called the newspaper editors and the national Communications Council to order, accusing the former of jeopardizing Burundi's national unity, public order, morals and sovereignty and asking the latter to use its authority to bring the editors of publications back to the straight and narrow, failing which the full force of the law would be brought to bear.

61. Since then, the private press has continued to be subject to close scrutiny by the Documentation Service, which apparently makes frequent visits to printers. The cost of producing newspapers is reported to have increased steeply, not so much because of the continuing embargo as because of the

abolition of state subsidies and the drop in earnings from advertising. In the light of the most recent information which has reached him, the Special Rapporteur very much hopes that the UNESCO project to open a Press Centre at Bujumbura will come to fruition very soon, so as to help the Burundi press to overcome the discouraging deadlock in which it currently finds itself.

E. Violations of the right to an adequate standard of living and the right to health

62. The civil war in Burundi has had a disastrous effect on the food security of the Burundi people. In a recent report, FAO estimates that the total food production in the country will be 3.5 million tonnes in 1996, which represents a 3 per cent drop in comparison with 1995 and 4 per cent in comparison with the period from 1988 to 1993.

63. "Normal" harvests are expected in the provinces of Kayanza, Ngozi, Kirundo, Muyinga and Cankuzo. Other provinces such as Gitega, Muramvya, Rutana, Ruyigi, Makamba and Bujumbura are already said to be showing tangible signs of food deficit as a result of the harvests of 1996, which were inadequate because of unfavourable climatic conditions. Finally, provinces such as Bubanza, Cibitoke and Karuzi are being hit by serious shortages as a direct result of the conflict.

64. Because the insecurity and hazards of combat have driven many population groups from their natural habitat, the agricultural cycle was seriously disrupted throughout 1996. After being displaced or forced to move to certain areas, people may have to walk very long distances to cultivate their fields. This deterioration in the peasants' living conditions is compounded by the sometimes insurmountable difficulties encountered by the humanitarian organizations in bringing food aid to needy population groups. In the province of Karuzi alone, food production is said to have dropped by 50 per cent, causing recognized symptoms of malnutrition among the women and children. According to information received by the Special Rapporteur, it is not uncommon in some provinces to find children with bloated stomachs and discoloured hair. The malnutrition index for the country as a whole is said to have risen from 6 per cent to 12 per cent.

65. The sanctions have had a serious impact on the food security of the Burundi people. As food imports have been frozen because of the embargo, the entire population of the country is suffering, particularly the vulnerable groups such as those who have been displaced or dispersed. Despite repeated requests to the sanctions committee established in Nairobi, commercial imports of fertilizer are reported to have completely stopped. Although FAO authorized the delivery of 4,000 tonnes of fertilizer to the country, only half that amount, sparingly distributed, has been received to date. It has not been possible to order any insecticides. Used principally in coffee-growing, the lack of insecticides will have a drastic effect on an essential sector of the country's economy and deprive the people dependent on it of their income.

F. Violations of the right to education

66. According to the information available to the Special Rapporteur, the Burundi education system, both public and private, has been severely affected by the crisis and conflict that are tearing the country apart.

67. In certain primarily Hutu areas, many school, health and social infrastructures have been completely destroyed, leaving large groups of children with no schools, clinics or hospitals for treatment of illness or injury and with no means of obtaining school supplies or first-aid equipment and medicines. Teachers, parents and children often die in the violence and disturbances that have been spreading from province to province, leading to the abandonment of the communes' schools. Elsewhere, lack of teachers' and orphans' despondency combine to empty the schools. In the provinces containing Tutsi displaced persons' camps, the camps' inhabitants are often housed in former school or administrative buildings, further aggravating the school shortage.

68. The sanctions against Burundi are seen as contributing to the widespread impoverishment of the Burundi education system, as the lack of fuel is preventing boarding schools throughout the country, which are attended by young State scholarship holders at the secondary level (only 10 to 20 per cent of Burundian youth have access to them), from receiving food and school supplies. The World Food Programme (WFP) may soon be unable to continue distributing foodstuffs to these boarding schools as developments in the situation might cause it to reorder its priorities. This would put the young Tutsi and Hutu in a most difficult position, as these establishments are also places of refuge and relative security for them, especially when they must transit through regions that are reputed to be very dangerous. The situation is said to be just as dangerous for the pupils of communal high schools in areas of conflict where insecurity is reportedly preventing them from travelling back and forth between their homes and their commune's school.

69. There was reportedly a mixed reception among education circles in the country to the introduction by the Burundi authorities of civic service last December. Some saw it as a way of subduing particularly unruly youths in the weeks preceding the July 1996 coup d'état or of protecting them from extremist politicians' adventurism. Others believe that the purpose of the service is to enable the security forces to reinforce their ranks in order to combat the armed militias of either Hutu or Tutsi allegiance, which are supported by extremists. A number of young people are said to have willingly taken the tests for enrolment in the army, while others wished to leave the civic service soon as possible, fearing for their lives. In the university sector, mandatory civic service will deprive first-year and second-year students of any possibility of attending classes normally. For all of 1997, only third-year and fourth-year students will be attending the university.

70. The Special Rapporteur is most disturbed by the intolerable violations of the right of every Burundi child and adolescent to go to primary school, high school or university. Burundi is depriving itself of key sectors of its society which are, sorely needed to lead the country out of crisis.

71. Many teaching tools and materials cannot be used because of the lack of maintenance or repair equipment. Inflation has caused prices of some items to soar, in some cases by up to 100 per cent of their value.

72. The new school year began quite late in many regions of the country, with delays of up to four weeks or even more in some cases. The authorities were thus forced to shorten the Christmas vacation to five days, instead of the two weeks originally planned.

III. FINAL OBSERVATIONS AND RECOMMENDATIONS

A. Final observations

73. In his report to the General Assembly, the Special Rapporteur stressed the importance of democracy as a condition sine qua non of respect for and enjoyment of human rights (see A/51/459, para. 37). On the basis of this principle, the Special Rapporteur wishes to reiterate that a new institutional regime, even a transitional one, cannot be defined unilaterally by the new de facto authorities, but requires a genuine democratic dialogue extending to all political parties and components of Burundi society.

74. The Special Rapporteur has noted the press release issued by the Organization of African Unity on 5 August 1996, in which the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution requested the Bujumbura regime to take immediate steps to put an end to illegality and restore the constitutional order of Burundi. In his previous report to the General Assembly (see A/51/459, para. 40) the Special Rapporteur applauded the determination of those African countries which decided to impose economic sanctions against Burundi because he believed, first of all, that democracy had been strengthened in Central Africa in recent years, and that its leaders, fortified by the recent democratic elections in their respective countries, would no longer tolerate coups d'état, which they saw as direct threats to the stability of the Great Lakes region. If, in the words of the former Special Representative of the Secretary-General for Burundi, Mr. Ould Abdallah, democracy in Africa has become inevitable, that does not mean that a long period of transition will not be necessary in order to achieve true power sharing. 2/ The Special Rapporteur cherished the hope that those measures would rapidly lead the Burundi authorities to provide tangible signs of their willingness to meet the demands of the countries which ordered the embargo: return to constitutional order, an end to the massacres and violence, conclusion of a cease-fire, institution of a national debate with the participation of all Burundians and initiation of serious negotiations among all the parties to the conflict in Burundi.

75. From the beginning of the embargo and throughout recent months, however, the Special Rapporteur has been concerned about the harmful effects of the economic sanctions on various vulnerable population groups, such as displaced persons or dispersed groups, returnees, hospital patients, the mentally ill and orphans, whose existence depends heavily on the humanitarian assistance provided by United Nations agencies and various NGOs. He made it clear in his previous report to the General Assembly that those measures were beginning to have a real impact on the people in the towns, particularly the urban elite, and that they were adding to the suffering in rural areas, where people are

often poor and where, owing to the violence and the civil war, regular access to, inter alia, health care, hygiene, various essential goods and primary and secondary education have become even more curtailed.

76. The Special Rapporteur was relieved to hear that the sanctions committee established in Nairobi had agreed on 6 September 1996 to make some concessions in order to enable the United Nations agencies to continue their humanitarian work, by authorizing exceptions in respect of baby food, health articles for hospitals, laboratory equipment, kerosene to supply the cold chains, fuel and communications equipment. He has taken note of the first deliveries, to WFP, FAO and WHO, to replenish their respective supplies of foodstuffs, grains, fertilizer, vaccines and transfusion equipment, despite the fact that these agencies encountered various logistical and administrative obstacles hindering the transport of the awaited items by road or boat from Rwanda and Tanzania.

77. Despite the relaxation of the sanctions for well-founded humanitarian reasons, however, the Special Rapporteur is forced to note that the continuation of the embargo is only exacerbating the already very difficult, nutritional and health conditions of the majority of the Burundi population. The vulnerable groups mentioned earlier, and more generally women, children and old people, have less and less access to humanitarian assistance.

78. In addition, the effects of the sanctions are continuing to weigh heavily on all of the humanitarian agencies operating in Burundi, despite the concessions agreed to by the sanctions committee, and are harming the quality or quantity of the foodstuffs and other relief supplies, as well as delaying the authorized operations. Although the United Nations agencies and the diplomatic community were eventually able to obtain delivery of a minimum of fuel and kerosene for transport and the maintenance of cold chains, the same cannot be said of the NGOs. Their assistance programmes, like those of the United Nations agencies, were adversely affected by delays in the supply of drinking water. The consequences of the lack of fuel, combined with the electricity shortage in the capital, occasionally forced some humanitarian agencies to use a considerable portion of their fuel reserves to run their office generators. The agricultural sector has also been adversely affected. If extra seeds and fertilizer are not distributed without fail in the coming weeks to peasants throughout the country to provide for the next harvest, a drop of at least 40 per cent in agricultural production should be expected during this period.

79. Without dwelling further on the question of economic sanctions, the Special Rapporteur nevertheless notes that, besides their adverse impact on the living conditions of the Burundi population, the sanctions have in no way attained their goals, namely to bring sufficient pressure to bear on the de facto Government so that it will bring back the rule of law and constitutional order to Burundi, put an end to the conflict and violence that are tearing the country apart and restore peace, as the indispensable prerequisite for any process of dialogue, democratization and reconciliation in the country.

80. The Special Rapporteur has unfortunately not observed any significant change of attitude to date by the de facto authorities towards the serious violations of international humanitarian law and human rights being committed

by the military or by ordinary Burundian citizens. On the contrary, the authorities are having difficulty in promoting a policy of transparency based on their duty to investigate these allegations of violations or in speaking out with a single voice in Bujumbura or in the provinces whenever the incidents in question occur.

81. Despite the insecurity and precarious balance of terror that have marked three years of civil war in Burundi, it still has an organized Government that is capable of acting, unlike other countries torn apart by internal conflicts. The country also has modern managers belonging to both of its principal ethnic communities, who have obtained their diplomas at renowned foreign universities, and some of whom are presently occupying posts in the de facto Government. It is precisely this operational capacity that Burundi most needs to properly manage the affairs of State, at a time when the country is sinking into a crisis that is more and more difficult to control.

82. In the opinion of the Special Rapporteur, the situation in the Great Lakes region remains explosive and is affecting tens, even hundreds, of thousands of refugees, displaced persons and civilians in Zaire, Burundi and Rwanda. It has long been known that the region is inundated with personal firearms, despite the international community's numerous promises to end the traffic. The scale of the slaughter already committed by all the parties to the conflict in Burundi for reasons of vengeance or reprisals indicates that further arms supplies will simply exacerbate the conflict and lead to further atrocities. 3/ Firearms from a dozen countries located on nearly all the continents have reportedly been found distributed throughout the region.

83. The Special Rapporteur is particularly disturbed by information received indicating that the exiled chiefs, who are members of the former armed forces or Rwandan militias, have obtained firearms and continued their military training in refugee camps, despite the embargo on the sale of arms. The information gathered indicates that arms distribution and the military training that goes with it have not decreased in the Great Lakes region.

84. Following the recommendation to the Security Council in his report to the General Assembly, to consider the possibility of immediately setting up an international court to prosecute those who ordered and carried out the assassination of President Ndadaye, the genocide against the Tutsis and the ensuing massacres of the Hutus (see A/51/459, para. 79), the Special Rapporteur welcomes the request made by the de facto Burundi authorities to the Secretary-General to that effect in a letter dated 23 October 1996.

85. In the Special Rapporteur's view, there is no isolated solution to the Burundi problem outside its regional context. It is essential to reach a negotiated solution to the crisis in the Great Lakes region as a whole. The lack of a concerted policy at the international level has been one of the main factors underlying the crisis in the last few months. The humanitarian assistance provided by the international community has concealed the fact that it has persistently neglected to find an effective way of bringing Governments in the region to the negotiating table so as to conclude a regional political settlement. It is disturbing to note in this connection that the development assistance with which Burundi has been provided in the last three years has

dropped from 1.5 billion French francs to only 350 million French francs, on an emergency assistance basis. 4/ It will also be noted that more extensive economic integration among the countries of the region is proving to be more and more necessary in order to offset the devastating effects of demographic pressure in these countries, which is the source of so many of the tensions in their societies.

86. It is therefore more necessary than ever to reach a political settlement in the Great Lakes region which will take the root causes of the prevailing instability into account. The recent events in Zaire are symptomatic of a much broader crisis affecting the region, as the Special Rapporteur has consistently indicated since the beginning of his mandate. This tragic development is partly the result of the inability of the Governments concerned - not to speak of the international community - to design strategies for responding effectively to the constellation of political, economic and social problems that were at the root of the tensions observed in the last quarter of 1996. The Special Rapporteur wishes to address a strong warning to the authorities of the countries of the Great Lakes region and to the international community that crises similar to the one just mentioned could well recur. Such crises will merely increase the instability of the countries of the region and the many potential consequences, which will be more and more difficult to control if general coordination and serious negotiations do not succeed in bringing together the States principally involved to overcome the ills afflicting their respective countries, namely impunity, the question of genocide, whose nature and extent vary according to the countries in question, and poverty.

87. To eradicate these ills, a set of measures must urgently be devised for the thorough reform of the administration of justice in the various countries concerned and the introduction of effective mechanisms for the protection and promotion of the human rights that continue to be systematically flouted; the development of regional agreements on nationality, citizenship, refugee status, the questions of domicile and migration for economic reasons, which are permanent features of the region; the eradication of poverty through economic measures aimed at rehabilitating the inhabitants of the region to facilitate a return to stability and to living conditions and security conditions that are acceptable to all; limiting the consequences of the weapons build-up and the presence in certain countries of armed groups bent on destabilizing neighbouring territories; finally, helping the Governments in question to formulate responsible State policies that break with all previous forms of exclusion and seek to reflect the interests of their respective societies, including their minorities. Humanitarian assistance may help save human lives, but it will never replace the democratic mechanisms of a political will to seek solutions to structural problems.

88. The Special Rapporteur placed great hopes in the establishment of a multinational force, as announced in Security Council resolution 1078 (1996) and mandated by the Council on 9 November 1996, under Chapter VII of the Charter of the United Nations, to facilitate humanitarian operations in eastern Zaire. With the logistical means available to it, this force, which had been advocated by the OAU and initially designed to be set up in Kivu, would have been able to locate more rapidly the hordes of refugees spread throughout the hostile areas bordering Kivu on the west, and then to exert a

restraining, perhaps even dissuasive, influence on certain participants in the Burundi conflict. The Special Rapporteur thus deeply regrets the fact that the States which had formed the nucleus of this multinational force were forced to break off their concerted efforts, after spending weeks setting up a base at Entebbe (Uganda), owing to the lack of sufficient political support from the international community and to Rwanda's repeated opposition to the undertaking. Burundi also made it clear that it would not authorize this force to use its territory to open humanitarian corridors until the economic sanctions against its country were lifted.

B. Recommendations

89. In submitting this report to the fifty-third session of the Commission on Human Rights, the Special Rapporteur wishes urgently to draw the attention of the de facto Burundi authorities and the international community to the following recommendations, in addition to those contained in his first report (E/CN.4/1996/16, paras. 144 to 170), in the addendum to that report (E/CN.4/1996/16/Add.1, paras. 57 to 72) and in his report to the General Assembly (A/51/459, paras. 59 to 81), in view of the continuing and most alarming deterioration in the situation of human rights in Burundi. Is the time not long overdue for the Burundi leaders and main actors of the international community in Burundi and the Great Lakes region to develop a clear idea of what is at stake and the dangers involved and agree on a concerted and comprehensive strategy for restoring peace to Burundi and the neighbouring countries?

1. Action at the national level

90. The Special Rapporteur urgently appeals to the Burundi leaders to make an active commitment, together with all the components of Burundi society, to restoring democracy in the country. The Special Rapporteur ventures to remind them that there can be no lasting peace in Burundi until an equitable solution is found to the crucial problem of power-sharing between the minority and majority on a concrete and realistic basis, providing the minority with sound and genuine guarantees and ensuring that the rights of the majority are firmly respected, in order to overcome the deep-rooted socio-economic inequalities from which Burundi society continues to suffer.

91. As 1997 begins, the Special Rapporteur is convinced that it is more indispensable than ever to have a genuine dialogue of substance between all the parties to the Burundi conflict, including those who are currently outside Burundi, so as to achieve agreement on negotiations under the sponsorship of the United Nations and the OAU.

92. The Special Rapporteur wishes to repeat his urgent request to the de facto authorities to put an immediate end to the violence and massacres occurring throughout the country and find and prosecute those responsible. He also urges them to spare no effort to prevent the Burundi army and security forces from carrying out extrajudicial or summary executions, enforced disappearances or arbitrary arrests accompanied by ill-treatment. He also most firmly requests the authorities and general staff of the army and security forces publicly to instruct their subordinates about the absolute need to put an immediate end to the massacres of unarmed civilians - mostly

women, children and old people - committed most often by military personnel, at times accompanied by Tutsi displaced persons or militia members.

93. If necessary, the members of the armed forces should know that they have the right to refuse to carry out orders that will result in slaughter. As in his previous report to the General Assembly (see A/51/459, para. 68), the Special Rapporteur calls upon the de facto authorities to establish a firm chain of command within the army and the security forces, so that senior officers bear real responsibility for abusive acts committed by their subordinates. Military personnel, whether commissioned or non-commissioned officers, should be stripped of their rank when their involvement in such acts has been proved.

94. The Special Rapporteur also appeals to the rebel leaders to exercise their sense of responsibility and ensure that clashes between their groups and the Burundi army, which often produce numerous civilian casualties, are conducted with respect for certain basic humanitarian rules of customary international law and that any atrocities are severely punished.

95. In the Special Rapporteur's view, if the Government wants to convince the international community that the military neither encourages nor tolerates serious violations of human rights, it is essential for it to afford observers the freedom of movement they need to investigate the alleged incidents reported to them. The Special Rapporteur wishes to commend the willingness repeatedly expressed by the de facto authorities to accept a considerable increase in the number of observers in Burundi, which was initially set at 35 by the High Commissioner for Human Rights. For his part, he fervently hopes that the Observer Mission will rapidly increase its staff in the provinces of the country where serious human rights violations are occurring, despite the prevailing insecurity.

96. The Special Rapporteur urges the de facto Government to provide the results, as promised by Major Buyoya, of the investigation into allegations of the expulsion manu militari of 392 Burundi refugees in Rwanda to Cibitoke province, on 30 September 1996, by soldiers of the Rwandan Patriotic Front, at a time when numerous violations of human rights were being reported in that region. Fears were reportedly expressed for the lives and physical integrity of these Burundian refugees if they were deported to their country. The joint appeal on their behalf by the Special Rapporteur and the Special Rapporteur on extrajudicial, summary and arbitrary executions, of 24 October 1996, has received no reply to date.

97. The Special Rapporteur is still waiting for the de facto Government to publish the results of an independent, neutral, objective and complete investigation into the exact circumstances of the murder of three ICRC delegates on 4 June 1996, near Mugina, Cibitoke province, and to clearly establish who was responsible. The Special Rapporteur will not be satisfied unless those responsible for this heinous crime are prosecuted and appropriately punished. The Special Rapporteur also awaits accurate information from the Burundi authorities on the circumstances surrounding the tragic murder of the Archbishop of Gitega, Mgr. Ruhuna, on 9 September 1996, and of the two nuns accompanying him, and asks that those responsible for these crimes be found and arrested without delay.

98. The Special Rapporteur stresses heavily the need for the de facto Government to provide the NGOs with adequate security without which they will not be able to continue to help vulnerable groups of the Burundi population, which has already suffered so much as a result of the conflict and the economic sanctions imposed on the country (also see A/51/459, para. 55).

99. The Special Rapporteur urges the de facto Government to provide returnees with guarantees against any attempt at murder or summary execution or any other form of threat to their physical integrity. He is firmly opposed to any Government policy that would lead to the establishment of displaced persons camps in the country, whether Hutu or Tutsi, even if the reasons for grouping them together are different. In his view, this would create further tension and feelings of hatred and exclusion within Burundi society, which would hardly be conducive to national reconciliation, as well as increased difficulties for United Nations agencies and other international assistance organizations who would become ensnared in the Burundi Government's contradictions.

100. The Special Rapporteur calls urgently on the de facto Government to negotiate a cease-fire with the other parties to the conflict in Burundi without delay, to be followed by a series of peace conferences to lead as soon as possible to the opening of the national debate so long awaited by the Burundi people, on the basis of the report submitted by the Technical Commission to the President of the Republic in December 1996.

101. The Special Rapporteur is convinced that the recommendations in this report will enable the authorities to respond to some of the country's basic problems, such as reconstructing the judicial apparatus; formulating adequate strategies for putting an end to impunity; reorganizing the functions of the army and security forces along quite separate lines; defining broader forms of participation by the Burundi people in the political debate; devising, in terms that are equitable and acceptable to the country's two main ethnic communities, a form of power-sharing that has the potential to lead to a democratic political system, whose development will also benefit from contributions by Burundi's traditional institutions and political culture.

102. The Special Rapporteur expects the de facto authorities to embark urgently and without further delay on the reforms which he called for in his previous reports with respect to the Burundi army and security forces, the judicial system and primary and secondary education, so as to facilitate access to the various State institutions by the majority of the people, who are currently excluded from the country's elite (see E/CN.4/1996/16, paras. 146, 150 and 156; E/CN.4/1996/16/Add.1, para. 58; and A/51/459, para. 61).

103. The Special Rapporteur requests the de facto Government to lift the restrictions on political freedoms and to take adequate measures to prevent violations of the rights to life, physical integrity and freedom of opinion, with no discrimination whatsoever. The Special Rapporteur is convinced that the exercise of all these rights is essential for providing an atmosphere conducive to a reduction of tensions in preparation for a national debate and the establishment of a genuine constitutional State, which will require setting clear benchmarks along the road to democratization.

104. The Special Rapporteur urges the de facto authorities to protect the parliamentarians' physical integrity, to halt the criminal proceedings against some of them, to establish the appropriate conditions for the return of parliamentarians exiled in the United Republic of Tanzania, Zaire and Kenya and to ensure that the National Assembly receives the constitutional guarantees it needs in order to sit.

105. The Special Rapporteur calls urgently on the de facto Government to defer the 89 death sentences and 36 sentences of life imprisonment handed down during the first two sessions of the criminal chambers held in February-March and June 1996, as well as the other 23 death sentences, at the least, and the 13 sentences of life imprisonment reportedly handed down at the third session, which began in November 1996. The Special Rapporteur could not accept the execution of such sentences, when those convicted were provided with none of the judicial guarantees to which they were entitled, in particular the assistance of a legal adviser or lawyer during their trial. The campaign against impunity which the authorities wish to undertake would in no way be helped by the execution of the above-mentioned sentences.

106. Although fully aware of the particularly difficult conditions in which Burundi's judicial system is operating, the Special Rapporteur believes it his duty to recommend that the authorities ensure respect for articles 10 and 11 of the Universal Declaration of Human Rights, which stipulate that every accused person is entitled to a fair trial, including the right to be guaranteed legal assistance for his defence. He also urgently draws their attention to articles 6 (2), 14 and 15 of the International Covenant on Civil and Political Rights, which stipulate that sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of commission of the crime, following a fair trial, and to other United Nations resolutions establishing guarantees for the protection of the rights of persons liable to the death penalty.

2. Action at the international level

107. The Special Rapporteur reiterates his congratulations to the former Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, the Secretary-General of the OAU and former President Nyerere on their untiring efforts to find a solution to the Burundi crisis and on doing their utmost to prevent it. In this regard, former President Nyerere should be warmly encouraged to continue his good offices with the aim of engaging all the parties to the Burundi conflict in a constructive dialogue leading to concrete negotiations which will bring peace and national reconciliation.

108. The Special Rapporteur would also like to warmly congratulate the new Secretary-General, Mr. Kofi Annan, on his appointment to the highest post in the United Nations, and expresses the fervent hope that, under his leadership, the conflict in Burundi and the crisis afflicting the Great Lakes region will finally be quelled and peacefully settled as all hope.

109. While he realizes that the opening of negotiations among all the parties to the Burundi conflict should not be subject to any prior condition, the Special Rapporteur believes that a joint declaration addressed to them from former President Nyerere, as mediator, and other heads of State of the region,

would help to advance the cause of peace in Burundi. Such a declaration might be structured around the following points: (a) the goal of the negotiations is to end the violence, provide sound guarantees to all the parties to the conflict and assure them that there will be no more ethnic massacres now or in future; (b) negotiations under the auspices of the United Nations, the OAU and the heads of State of the region are likely to provide stronger guarantees against a future genocide than unilateral declarations from each of the parties to the conflict; (c) the acceptance of a cease-fire as a first step towards ending the violence in the country, together with a peace-keeping force if necessary, should be the first item on the agenda of the negotiations.

110. The Special Rapporteur urges the international community to allocate more resources for financing the legal assistance programme being established by the High Commissioner for Human Rights, with assistance from foreign lawyers, to provide the justice system in Burundi with means that are commensurate with the challenge facing the judicial system. The Government can hardly be asked to make major improvements in its operations without simultaneously being given substantial assistance and cooperation by the international community. The support programme in question is aimed at enabling the Burundi justice system to play its role as the regulator of society by resuming its activities to combat impunity and foster a more equitable dialogue among the main components of Burundi society. The first three foreign lawyers are expected to arrive in Burundi during February 1997, to support their Burundian colleagues in defending accused persons whose cases are to be examined during the third session of the criminal chambers in Bujumbura, Gitega and Ngozi (see also A/51/459, paras. 52-54).

111. The Special Rapporteur urges the States of the Great Lakes region to ensure that their territory is not used by armed groups as a base from which to launch raids or attacks against another State in violation of the principles of international law and the Charter of the United Nations. He strongly encourages them to honour the commitments which they assumed during the Tunis Summit on 18 March 1996, especially their pledge to stamp out arms traffic and prohibit the military training of the rebel groups with a view to armed border raids. He fervently hopes that the threat which the illegal and uncontrolled movements of arms and related materiel pose to peace and stability in the Great Lakes region will be eliminated. He therefore proposes that a general moratorium on arms sales should be imposed on the countries of the Great Lakes region by the OAU. It would be a favourable sign for this moratorium to be supported by the leaders of the countries of the region which have recently shown their commitment to democracy in connection with the conflict in Burundi.

112. The Special Rapporteur requests an immediate embargo on the sale of arms to Burundi. Such an embargo should be directed both at the de facto Government and the rebel forces to prevent all arms flows towards the parties to the conflict in Burundi.

113. States Members of the United Nations should be encouraged to take legal measures against their citizens who are involved in the arms traffic, in violation of the embargo declared by the United Nations, even when such individuals are operating in a third country. If national legislation does

not contain the provisions required to punish such offences, the Governments of the Great Lakes region should be strongly urged to enact internal legislation for the prosecution of those responsible for such offences. Priority should be given to preventing, by all available means, any unsupervised distribution of arms shipments in the Great Lakes region, in order to avoid a disastrous escalation of violations of human rights and international humanitarian law.

114. As he stated in a previous report (see E/CN.4/1996/16/Add.1, para.70), the Special Rapporteur would like very strong measures to be taken against those who ordered the crimes and those benefiting from the arms traffic. He requests that their bank accounts abroad should be frozen, fellowships withheld from the members of their families and visas for travel abroad refused them.

115. The United Nations and the Organization of African Unity should not delay in demonstrating their mutual political will to pursue a sustained cooperation effort in the wake of the good offices of the Secretary-General's Special Envoy, Mr. Raymond Chrétien, Ambassador of Canada to the United States, in attempting to resolve the crisis in Zaire in November 1996. Without the certainty of long-term cooperation, the international community has little chance of keeping alive the hopes raised by the Special Envoy's visit to the Great Lakes region. The Special Rapporteur welcomes the recent announcement by the new Secretary-General that he will appoint a Special Representative for the Great Lakes region, to be based in Nairobi. The Special Representative would thus have the opportunity to visit the various leaders in the region, as necessary, and to develop working relations with them which will favour a concerted approach to, and a comprehensive settlement of, the problems of the subregion.

116. The Special Rapporteur believes that it is now more necessary than ever to ask the United Nations to convene a regional conference on peace, security and development in the Great Lakes region. Meanwhile, he firmly reiterates the recommendation contained in the addendum to the report he submitted to the fifty-second session of the Commission on Human Rights (E/CN.4/1996/16/Add.1, para. 60). In it he asked the international community, particularly the countries of the European Union, those of the Organization of African Unity, the Secretary-General of the United Nations, his special envoys or representatives and the Security Council, the High Commissioner for Human Rights and his office at Bujumbura, together with the international non-governmental assistance organizations or humanitarian institutions active on the spot, to agree very quickly upon a coordinated and comprehensive strategy addressing the whole range of problems currently besetting Burundi, bearing always in mind the present sufferings of the Burundi population and the concern for putting an end to them.

117. In view of the accelerated deterioration of the situation in Burundi and the current crisis afflicting the Great Lakes region, the Special Rapporteur strongly recommends that, during the fifty-third session of the Commission on Human Rights, a special day should be devoted to considering all the problems confronting the subregion, culminating in the adoption of a joint resolution, in accordance with the wish expressed by the three Special Rapporteurs on the situation of human rights in Burundi, Rwanda and Zaire.

Notes

1/ Rodley, Nigel, "Can armed opposition groups violate human rights?", Kathleen E. Mahoney and Paul Mahoney, Human Rights in the Twenty-First Century, Dordrecht, Boston, London, Martinus Nijoff Publishers, 1993, p. 318.

2/ Ould Abdallah, Ahmedou, La diplomatie pyromane, Paris, Calmann-Lévy, 1996, pp. 143-144.

3/ See the appeal by Amnesty International on 4 November 1996 for effective action to end the massive flow of arms towards the Great Lakes region, AFR 62/24/96.

4/ Ould Abdallah, op. cit., p. 89.

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ORGANIZATION OF THE WORK OF THE SESSION

Second report on the human rights situation in Burundi submitted by the Special Rapporteur, Mr. Paulo Sérgio Pinheiro, in accordance with Commission resolution 1996/1

Addendum

Introduction

1. This document is an addendum to the second report by the Special Rapporteur on the human rights situation in Burundi to the Commission on Human Rights at its fifty-third session.

2. Section A of this addendum contains a number of observations by the Special Rapporteur on the most recent developments in the crisis in Burundi and section B a list of the most significant allegations made to him concerning violations of the right to life and to physical integrity during the past year.

A. Observations on the most recent developments in the crisis in Burundi

3. The serious violations of the right to life and to physical integrity listed in this addendum are closely linked to the further developments in the crisis in Burundi caused by the interruption of the transition to democracy following the assassination of President Ndadaye on 21 October 1993, the acts of genocide perpetrated against the Tutsis and the subsequent massacres of Hutus. Nevertheless, the current situation in Burundi and its influence on the human rights situation are closely linked to the resurgence of rebel movements in eastern Zaire and to the return of Burundi and Rwandan refugees to their countries of origin.

4. The Special Rapporteur notes that despite all the statements made by the de facto Government of Burundi of its intention to work towards negotiations between all the parties to the conflict in Burundi, its actual political decisions seem, on the contrary, to be war-oriented.

5. During the last quarter of 1996 and in January and February 1997, there has been a revival of military operations by the Burundi army. In turn, the rebels of the Front pour la défense de la démocratie (FDD), the armed wing of the Conseil national pour la défense de la démocratie (CNDD), who have been compelled to leave their safe havens in eastern Zaire following the violent onslaught of the Tutsi rebels in the region and who have lost their sources of supply, have not succeeded in setting up comparable bases in Tanzania.

6. The momentary weakening of the rebel forces has enabled the Burundi army to secure its control over a major portion of Burundian territory and to assert that the security situation there has considerably improved. Nowadays it is allegedly possible to travel in 8 of the country's 15 provinces without an armed escort. However, the Special Rapporteur is not convinced that these improvements reflect a significant improvement in the Burundi army's logistical capacity. Quite the contrary, if the army now has a free hand, it is the result of a combination of chance and temporary circumstances. As soon as the rebels recover their operational capacity, they are likely to make new incursions into Burundian territory which will upset the apparently secure situation prevailing in some regions of the country. In other words, the improvement in the country's security situation is more the result of the hurdles currently facing the rebel forces in the field than of greater success by the Burundi army in its clashes with the rebels.

7. While maintaining a war mentality in the vain hope of crushing the rebels in the field (and thereby nullifying any attempt to begin the negotiations which Major Buyoya has himself advocated) the Burundi de facto authorities are systematically resettling rural populations using an outdated strategy of forced villagization, whose weaknesses and the suffering entailed for the populations concerned have been demonstrated in other conflicts, particularly in Viet Nam.

8. As in his second report (E/CN.4/1997/12, paras. 56-57 and 99), the Special Rapporteur vigorously disapproves of and condemns the forced resettlement of rural populations as a manifest violation of the relevant provisions of the International Covenant on Civil and Political Rights, as well as of other international human rights instruments to which Burundi is a party. In addition, the practice leads to a marked deterioration of respect for human rights, if not an extremely serious aggravation of violations of the human rights of both the populations resettled under military threat and those who refuse to obey and are immediately suspected of supporting the rebels, with the additional risk of becoming targets in clashes between the army and the rebels and frequently of being slaughtered or massacred.

9. Although there has been a marked improvement in freedom of movement and freedom to travel in a number of provinces, including Gitega and Ngozi, the Special Rapporteur nevertheless wishes to point out that freedom to move about in reasonable safety is ultimately acquired at the expense of the enjoyment of human rights by the vast majority of the rural population. The men and women

who are forcibly resettled in camps, which are frequently far from their homes, are only able to visit their fields for a short part of the day and under military supervision. Because of the insecurity or the long distances they have to travel, children are unable to attend school. All these difficulties and hardships are compounded by the same deplorable living conditions as those of the displaced Tutsis - the absence of proper sanitary facilities, a rising level of malnutrition in several regions of the country and the risk of epidemics.

11. In briefly referring here to some of the allegations he has already mentioned in his second report, the Special Rapporteur wishes to invite the de facto Burundi authorities seriously to consider the extremely unpleasant humanitarian consequences of its forced resettlement policy for numerous poor rural population groups. The security and peace established at the price of the forced resettlement policy are at the very least precarious and have no future. Generally speaking, it will be possible to restore security for all and to improve the living conditions of Burundi's population only by establishing a genuine peace throughout Burundi. This objective cannot be achieved by military conquest; it must result from a culture of peace which encourages the de facto authorities and the other parties to the Burundi conflict to sign a ceasefire and begin proper negotiations, so that Burundi can shake off the shackles of the emergency regime and embark on an authentic process of democratization, by which all Burundians may feel concerned and to which they may actively contribute.

B. Violations of the right to life and physical integrity

12. As the Special Rapporteur stated in his second report (E/CN.4/1997/12, para. 37), numerous allegations of violations of the right to life and physical integrity have come to his attention from different sources. He presents below a selection of those he believes to be most significant, in order to underscore his deep concern over the endless cycle of clashes and violence attributable to either the Burundi army or the rebel forces, which has characterized the past year.

1. Incidents attributed to the Burundi army

13. On 2 January 1996, the sectors of Karonda and Cabara, and the area of Kigwena, were allegedly attacked by soldiers accompanied by civilians. Eighteen people are said to have been killed, including 12 children, and 14 wounded, and several persons to have disappeared or drowned in Lake Tanganyika. A total of 118 houses are said to have been burnt down (90 at Karonda and 28 at Cabara).

14. On 24 January 1996, 17 civilians were reportedly killed in the commune of Gitobe, Kirundo province, in the course of a military operation to disarm people.

15. On 14 April 1996, 81 people were reportedly killed in the course of a military operation to overcome attackers who had taken some families hostage a few days earlier.

16. On 21 April 1996 soldiers allegedly launched an attack against rebels in the commune of Gitobe, Kirundo province; during the operation 11 attackers were reportedly killed and one wounded. During this clash four houses were burnt down. A number of hand-grenades, a case of ammunition and a gun were reportedly recovered.

17. On 26 April 1996, 234 civilians are reported to have been killed and 30 wounded, including 3 men, 8 women and 19 children, during a military operation to hunt down rebels in the sector of Mutoyi, Bugindara commune, Gitega province. The conclusions of the commission of inquiry appointed by the then President of the Republic reportedly led to no arrests and shed no light on who was responsible for the massacre.

18. On 2 May 1996 soldiers were allegedly responsible for the murder of 30 individuals, including a woman deputy of the Front pour la défense de la démocratie (FRODEBU), Bibiane Ntimutunba, in Rugombo commune, Cibitoke province.

19. On 3 May 1996, between 30 and 800 people, most of them women and children, were reported killed in a massacre at Kivyuka market in Bubanza province, for which a number of sources have held the army responsible. Several dozen others were wounded, 25 of whom were evacuated by ICRC.

20. A number of incidents and massacres allegedly occurred on 11 May 1996 in Ndava commune, and subsequently between 13 and 17 May on Kanegwa colline in Mushikamo commune, and on 17 May in Kiganda commune. In the first two incidents 15 and 43 people respectively were reportedly killed, and in the third incident some 1,200 people. Soldiers brought in by lorry are said to have taken part in the massacre, with the assistance of pupils from three different secondary schools. According to information gathered on the spot, mass graves were hurriedly dug to bury the victims of the third incident.

21. On 24 May 1996, 25 attackers were killed and 1 person wounded in a military operation against rebels to the north of the capital of Gitega province.

22. On 12 June, 111 persons were reportedly killed and 12 wounded during a further incursion by the army in Mutambu commune. According to several witnesses, paratroopers based at Musaya camp took part in this operation.

23. On 13 June 1996, six lorries carrying soldiers allegedly went to Kibimba colline, Gitega province. The soldiers are said to have shot and bayonetted between 70 and 100 Hutu civilians, including women and children.

24. On 27 June 1996, some 500 people were allegedly massacred by soldiers at Nyeshenza, Mugina commune, Cibitoke province, following a rebel attack.

25. On 13 July 1996, soldiers allegedly killed some 40 Hutu civilians at a wedding on Mpfunda colline, Kayanza province.

26. On 20 July 1996, subsequent to a rebel attack on the Bugendana camp for displaced Tutsis, a military operation to surround the area was reportedly carried out by large numbers of soldiers from Rusamaza, Gihogazi commune,

Karuzi province, on the collines of Buhoro, Karehe, Kinzerere, Mwaruro and Gasorwe, in Bugendana commune, Gitega province. The number of victims is unknown.

27. On 22 July, more than 55 Hutus were allegedly killed at Carama, Rubirizi district, Mutimbuzi commune, in Rural Bujumbura province, during an army sweep to flush out rebels. At least 17 people are said to have been shot dead and more than 38 burnt alive.

28. On 13 October 1996, between 50 and 112 people were reportedly massacred by members of the armed forces near Matana market, Matana commune, in Bururi province. The soldiers are said to have arrested some 50 people in the market place on suspicion of collusion with the rebels and to have taken them to their base, where they were executed. The massacre is said to have been in reprisal for the murder of Tutsis by rebels a few days earlier not far from the same spot.

29. On 21 October 1996, between 200 and 400 Burundi returnees were reportedly killed and some 200 others wounded by soldiers on Murambi colline, Buganda commune, Cibitoke province. The returnees, who had come from Zaire, were reportedly first of all herded into a Pentecostal church and then the men were taken out and executed in the evening.

30. On 27 October 1996, some 40 Burundi returnees from Zaire were allegedly killed by soldiers in Gatumba district, Mutimbuzi commune in Bujumbura province. Some of the victims were allegedly buried on the spot, while others were thrown into mass graves near the Gatumba border post.

31. Between 2 and 4 November 1996, approximately 100 persons are said to have been killed and several others wounded during a reprisal operation by soldiers on several collines in Giheta district, Giheta commune, in Gitega province, following a rebel attack on Giheta on 2 November.

32. On 2 and 3 December 1996, some 700 people were allegedly killed by soldiers in a reprisal operation carried out, with the assistance of the civilian authorities and part of the population, in the communes of Butaganzwa, Gahombo and Gatara, in Kayanza province, following several rebel ambushes in the province and incidents involving mines.

33. On 13 December 1996, at least 120 persons, including 25 women, 67 children and 13 old people, were allegedly killed by soldiers in an operation in Mutambu district, Mutambu commune, in Rural Bujumbura province.

2. Acts of violence attributed to the rebel forces

34. On 23 February 1996, 16 civilians were reportedly killed in a rebel attack on the commune of Buganda, in Cibitoke province. On 25 February, four civilians and a soldier died, and ten other civilians were wounded, in another rebel attack on the same commune. On the following day, 30 civilians were allegedly killed and 6 other civilians and 2 soldiers wounded in a third rebel attack on Gasenyi commercial district in Buganda commune.

35. On 2 March 1996, 15 people were allegedly killed in a rebel attack on Busimba colline. A considerable sum of money was also reported stolen.

36. On 3 March 1996, three soldiers were killed and four other persons wounded in the ambush of a military vehicle, probably carried out by rebels, in Muzinda district, Bubanza province.

37. On 7 March 1996, a soldier and five attackers were allegedly killed and two other soldiers wounded in a similar incident in Burambi commune, Busaga sector, in Bururi province. On the same day, rebels reportedly ambushed the Governor of Bururi and Commander of the Military Region and the Commander of the Musave district rapid action forces, wounding three soldiers.

38. On 20 March 1996, approximately 100 civilians and a soldier were killed and four persons wounded in a rebel attack in the districts of Muheka and Musenyi, Songa commune, in Bururi province.

39. During a rebel incursion into Vugizo commune, in Makamba province, on 27 March 1996, 18 persons were reportedly killed and two others missing.

40. On 31 March 1996, 12 passengers, 2 soldiers, 6 rebels and 37 civilians were reportedly killed in a clash following a rebel attack on public transport vehicles on the RN 1 highway to Bugarama. On the same day, 12 civilians were allegedly killed and several houses burnt down during a rebel incursion into Ryansoro commune, in Gitega province. Some 40 cows were also killed and then burnt.

41. As a result of a rebel attack on the town centre of Makamba, Makamba province, on 3 April 1996, 16 inhabitants were allegedly killed, together with one of the attackers. In addition, considerable material damage was caused and the hospital's pharmacy looted. Two days later, the town's central market was allegedly attacked during the night, looted and destroyed. Ten houses were allegedly burnt down and a kiosk destroyed in reprisal by the Sans-Echec (young Tutsi extremists).

42. In a similar incident in Gitanga commune, Rutana province, on 8 April 1996, the market and communal office were reportedly burnt down and the health centre seriously damaged. In the clash between rebels and the army, an officer and several civilians were reportedly killed and five soldiers wounded. Three days later, 23 civilians are said to have been killed in a rebel attack in Gitaba district, in the same province. On 12 April, in another sector of the province, between 40 and 50 people were reported killed in a rebel attack at Kivoga.

43. Also on 12 April, 50 civilians were allegedly killed and 20 houses burnt down in a rebel attack on the commune of Buraza, in Gitega province.

44. On 16 April 1996, one soldier was reportedly killed in an ambush, probably laid by rebels, against soldiers in Gishubi commune. Three others were seriously wounded and had to be evacuated by helicopter. One of the wounded reportedly died from a heart attack.

45. On 20 April 1996, 29 civilians were reportedly killed, 2 other persons wounded and 2 persons missing following a rebel attack on the commune of Rutovu, Ruringanizo colline, in Bururi province. In addition, 12 houses were burnt down.

46. On 28 May 1996, rebels allegedly attacked the Butezi camp for displaced Tutsis. A total of 51 persons were reportedly killed and 24 wounded, 11 of them seriously. Seventy houses were also burnt down.

47. On 3 July 1996, a large number of rebels reportedly attacked the Teza tea plant in Bukeye commune, Muramvya province; 80 persons, most of them Tutsis, were allegedly killed in the attack. The rebels, numbering several hundred according to eye-witnesses, allegedly also attacked and took over the military post in a clash lasting several hours.

48. Between 5 and 6 a.m. on 20 July 1996, the camp for displaced Tutsis was reportedly attacked by several groups of rebels who put the camp's military post out of action and massacred the displaced persons using firearms or other weapons including machetes and bill-hooks. The attackers also reportedly killed livestock, looted the displaced persons' property and burnt down houses. They allegedly dispersed after military reinforcements arrived. Various estimates set the number of persons killed at 298.

49. On 29 September 1996, some 200 rebels are said to have stormed the village of Nyeshenza and its military post in Nyeshenza district, Mugina commune, in Cibitoke province. Thirty-five civilians and some 20 attackers were reportedly killed and 10 houses burnt down.

50. On 21 October 1996, rebels reportedly attacked the Buranino displaced persons camp in Butaganzwa commune, Kayanza province. Twelve displaced persons and one soldier were reportedly killed in the ensuing fighting between the army and the attackers.

51. Thirty-two persons were allegedly killed and nineteen others wounded as a result of the rebel attack on No. 2 village, in Gihanga commune, Bubanza province, at about 1.30 a.m. on 17 November 1996. The rebels reportedly also looted the houses of wealthy farmers and killed some of them. Some houses were also reportedly burnt down.